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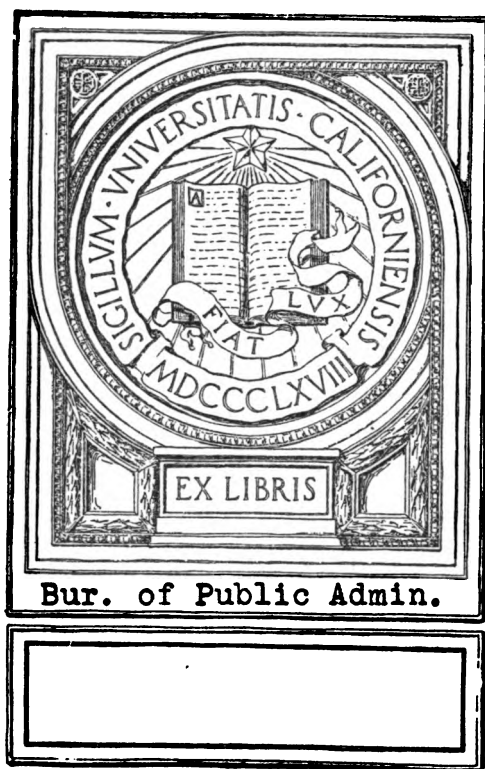
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**THE EMPLOYEES'  
COMPENSATION COMMISSION  
ITS HISTORY, ACTIVITIES  
AND ORGANIZATION**

## THE INSTITUTE FOR GOVERNMENT RESEARCH

Washington, D. C.

The Institute for Government Research is an association of citizens for coöperating with public officials in the scientific study of government with a view to promoting efficiency and economy in its operations and advancing the science of administration. It aims to bring into existence such information and materials as will aid in the formation of public opinion and will assist officials, particularly those of the national government, in their efforts to put the public administration upon a more efficient basis.

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INSTITUTE FOR GOVERNMENT RESEARCH

SERVICE MONOGRAPHS  
OF THE  
UNITED STATES GOVERNMENT  
No. 12

UNIV. OF  
CALIFORNIA

# THE EMPLOYEES' COMPENSATION COMMIS- SION

ITS HISTORY, ACTIVITIES  
AND ORGANIZATION

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1987

BY  
GUSTAVUS A. WEBER



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## FOREWORD

The first essential to efficient administration of any enterprise is full knowledge of its present make-up and operation. Without full and complete information before them, as to existing organization, personnel, plant, and methods of operation and control, neither legislators nor administrators can properly perform their functions.

The greater the work, the more varied the activities engaged in, and the more complex the organization employed, and more imperative becomes the necessity that this information shall be available—and available in such a form that it can readily be utilized.

Of all undertakings, none in the United States, and few, if any, in the world, approach in magnitude, complexity, and importance that of the national government of the United States. As President Taft expressed it in his message to Congress of January 17, 1912, in referring to the inquiry being made under his direction into the efficiency and economy of the methods of prosecuting public business, the activities of the national government "are almost as varied as those of the entire business world. The operations of the government affect the interest of every person living within the jurisdiction of the United States. Its organization embraces stations and centers of work located in every city and in many local subdivisions of the country. Its gross expenditures amount to billions annually. Including the personnel of the military and naval establishments, more than half a million persons are required to do the work imposed by law upon the executive branch of the government.

"This vast organization has never been studied in detail as one piece of administrative mechanism. Never have the foundations been laid for a thorough consideration of the relations of all its parts. No comprehensive effort has been made to list its multifarious activities or to group them in such a way as to present a clear picture of what the government is doing. Never has a complete description been given of the agencies through which these activities are performed. At

no time has the attempt been made to study all of these activities and agencies with a view to the assignment of each activity to the agency best fitted for its performance, to the avoidance of duplication of plant and work, to the integration of all administrative agencies of the government, so far as may be practicable, into a unified organization for the most effective and economical dispatch of public business."

To lay the basis for such a comprehensive study of the organization and operations of the national government as President Taft outlined, the Institute for Government Research has undertaken the preparation of a series of monographs, of which the present study is one, giving a detailed description of each of the fifty or more distinct services of the government. These studies are being vigorously prosecuted, and it is hoped that all services of the government will be covered in a comparatively brief space of time. Thereafter, revisions of the monographs will be made from time to time as need arises, to the end that they may, as far as practicable, represent current conditions.

These monographs are all prepared according to a uniform plan. They give: first, the history of the establishment and development of the service; second, its functions, described not in general terms, but by detailing its specific activities; third, its organization for the handling of these activities; fourth, the character of its plant; fifth, a compilation of, or reference to, the laws and regulations governing its operations; sixth, financial statements showing its appropriations, expenditures and other data for a period of years; and finally, a full bibliography of the sources of information, official and private, bearing on the service and its operations.

In the preparation of these monographs the Institute has kept steadily in mind the aim to produce documents that will be of direct value and assistance in the administration of public affairs. To executive officials they offer valuable tools of administration. Through them, such officers can, with a minimum of effort, inform themselves regarding the details, not only of their own services, but of others with whose facilities, activities, and methods it is desirable that they should be familiar. Under present conditions services frequently engage in activities in ignorance of the fact that the work projected has already been done, or is in process of execution by other services. Many cases exist where one service could make effective use of the organization, plant or results of other serv-

ices had they knowledge that such facilities were in existence. With the constant shifting of directing personnel that takes place in the administrative branch of the national government, the existence of means by which incoming officials may thus readily secure information regarding their own and other services is a matter of great importance.

To members of Congress the monographs should prove of no less value. At present these officials are called upon to legislate and appropriate money for services concerning whose needs and real problems they can secure but imperfect information. That the possession by each member of a set of monographs, such as is here projected, prepared according to a uniform plan, will be a great aid to intelligent legislation and appropriation of funds can hardly be questioned.

To the public, finally, these monographs will give that knowledge of the organization and operations of their government which must be had if an enlightened public opinion is to be brought to bear upon the conduct of governmental affairs.

These studies are wholly descriptive in character. No attempt is made in them to subject the conditions described to criticism, nor to indicate features in respect to which changes might with advantage be made. Upon administrators themselves falls responsibility for making or proposing changes which will result in the improvement of methods of administration. The primary aim of outside agencies should be to emphasize this responsibility and facilitate its fulfillment.

While the monographs thus make no direct recommendations for improvement, they cannot fail greatly to stimulate efforts in that direction. Prepared as they are according to a uniform plan, and setting forth as they do the activities, plant, organization, personnel and laws governing the several services of the government, they will automatically, as it were, reveal, for example, the extent to which work in the same field is being performed by different services, and thus furnish the information that is essential to a consideration of the great question of the better distribution and coördination of activities among the several departments, establishments, and bureaus, and the elimination of duplications of plant, organization and work. Through them it will also be possible to subject any particular feature of the administrative work of the government to exhaustive study, to determine, for example, what facilities, in the way of laboratories and other plant and

equipment, exist for the prosecution of any line of work and where those facilities are located; or what work is being done in any field of administration or research, such as the promotion, protection and regulation of the maritime interests of the country, the planning and execution of works of an engineering character, or the collection, compilation and publication of statistical data, or what differences of practice prevail in respect to organization, classification, appointment, and promotion of personnel.

To recapitulate, the monographs will serve the double purpose of furnishing an essential tool for efficient legislation, administration and popular control, and of laying the basis for critical and constructive work on the part of those upon whom responsibility for such work primarily rests.

Whenever possible the language of official statements or reports has been employed, and it has not been practicable in all cases to make specific indication of the language so quoted.

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# THE EMPLOYEES' COMPENSATION COMMISSION: ITS HISTORY, ACTIV- ITIES AND ORGANIZATION

## CHAPTER I HISTORY

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The United States Employees' Compensation Commission is an independent establishment of the government which determines compensation awards and pays compensation in behalf of the United States under the provisions of the Compensation Act of September 7, 1916 (39 Stat. L., 742). Workmen's compensation acts are based on the principle that industry and not the workers should bear the financial burden of industrial accidents. Before the enactment of compensation laws for national government employees, there was no law under which the government was liable for injuries to its employees and there was no way by which a civilian injured in the government service could obtain any relief from the government except by securing the passage of a private act.

**Federal Compensation Legislation.** The Compensation Act of 1916, which took the place of all previous national compensation acts, was the result of the development of workmen's compensation thought in the United States. The first acts were confined to specific services, and were in the nature of provisions for leave with pay during disability. Later in 1908 an act of somewhat general application was passed providing limited relief for employees and dependents of employees engaged in what were considered hazardous em-

poyments (Act of May 30, 1908; 35 Stat. L., 556). The present act provides compensation for all employees and dependents of employees of the United States government. The framers of this law aimed to provide a scale of compensation benefits which would both grant a maximum relief to employees and secure for the government a maximum economic return.

Following is a brief history of national workmen's compensation legislation:

*Special Provisions for Life-Saving Service.* In 1882 an act entitled "An act to promote the efficiency of the Life-Saving Service, and to encourage the saving of life from shipwreck,"<sup>1</sup> provided that the keepers or members of crews of life-saving or life-boat stations should receive leave with pay for a maximum of two years during disability arising from injury or disease contracted in the line of duty; that the widows and children of such employees who should die as a result of injury or disease contracted in the line of duty should receive, during a period of two years, the same amount as the husband or father would have received if he were alive and in the service; and that compensation should cease to widows when they should remarry, and to children when they should arrive at the age of sixteen years.

In 1908 the act of 1882 was amended to provide that dependent mothers of deceased employees should share in the compensation benefits.<sup>2</sup> In 1915 the act which combined the Life-Saving Service and the Revenue-Cutter Service under the name of the Coast Guard, and which made the Coast Guard a part of the military forces of the United States, provided that the compensation provisions for employees of the former Life-Saving Service should apply to the death of any officer, warrant officer, or enlisted man on the active list in the Coast Guard; and that no pension should be allowed or paid to any commissioned officer, warrant officer, or en-

<sup>1</sup> Act of May 4, 1882; 22 Stat. L., 57.

<sup>2</sup> Act of March 26, 1908; 35 Stat. L., 46.

listed man in the Coast Guard on either the active or retired list.<sup>3</sup> The compensation provisions of the act of 1882, as amended by the acts of 1908 and 1915, continued in force until the enactment of the present general Compensation Act.

*Special Provisions for Post Office Department.* The Post Office Department appropriation act for 1901 contained an item of \$25,000 for the appointment of acting clerks in the place of clerks of the railway mail service injured while on duty.<sup>4</sup> This provision, which was a kind of compensation legislation, or a provision similar to it, was included in each succeeding appropriation act for the Post Office Department until the year 1916. In 1902 provision was made to pay one thousand dollars to the legal representatives of railway postal clerks dying from injuries received while on duty.<sup>5</sup> In 1910 the amount was increased to two thousand dollars.<sup>6</sup> In 1912 post-office inspectors and sea-post clerks, and their legal representatives were also included in the compensation provisions, and an additional provision was made for the payment of 50 per cent of the salaries for an additional year after the first year to railway mail clerks and sea-post clerks.<sup>7</sup> In 1914 provision was made for the payment of full pay during the first year and 50 per cent of the full pay during the second year to disabled postal clerks, supervisory officers of the railway mail service, post office inspectors, letter carriers in the city delivery service, rural letter carriers, post-office clerks, and special-delivery messengers; and for the payment of \$2000 to the legal representatives of such employees dying as a result of injuries received on duty.<sup>8</sup> The act appropriating for the Post Office Department for 1917, also included in the compensation provisions, post-office laborers and classified civil-service employees in post offices of the

<sup>3</sup> Act of January 28, 1915; 38 Stat. L., 802.

<sup>4</sup> Act of June 2, 1900; 31 Stat. L., 259.

<sup>5</sup> Act of April 21, 1902; 32 Stat. L., 115.

<sup>6</sup> Act of May 12, 1910; 36 Stat. L., 363.

<sup>7</sup> Act of August 24, 1912; 37 Stat. L., 549.

<sup>8</sup> Act of March 9, 1914; 38 Stat. L., 301.

#### 4 EMPLOYEES' COMPENSATION COMMISSION

first and second classes.<sup>9</sup> This act was superseded by the present Compensation Act.

*First Efforts for General Act.* Before the enactment of the general act of 1916 many injured civil employees secured relief through private acts of Congress. At each session the committees on claims of both houses considered numerous bills containing private claims of government employees. In submitting to Congress favorable reports concerning these bills the committees at times considered as many as twenty or more claims in one report.<sup>10</sup> Upon the authority of these private acts, the United States paid out large sums of money. It is undoubtedly true that the trouble involved in passing these private claim bills was a contributing cause to the enactment of the present general act.

Efforts were first made for a general law in the 59th Congress (1905-6). In the first session of this Congress two compensation bills of a general character were introduced in the Senate and referred to the Committee on the Judiciary, where they remained.<sup>11</sup> In the following Congress nine bills of a more or less general character, providing compensation for government employees, were introduced in the House of Representatives, and one such bill was introduced in the Senate.<sup>12</sup> The Senate bill was referred to the Committee on the Judiciary. Eight of the House bills were referred to the Committee on the Judiciary, and one was referred to the Committee on Reform in the Civil Service. One of these bills (H. R. 21,844), introduced by Mr. Alexander of New York, became the Compensation Act of May 30, 1908.

*General Act of 1908.* The act of 1908, although more general in its application than any preceeding statute, included within its provisions (Section 1) "any person employed by the

<sup>9</sup> Act of July 28, 1916; 39 Stat. L., 412, 413.

<sup>10</sup> See for instance H. Rep. 1476, 61 Cong. 2 sess., and 569 and 659, 62 Cong., 2 sess.

<sup>11</sup> S. 5430 and S. 6080.

<sup>12</sup> H. R. 444; 6284; 14,265; 16,734; 17,870; 21,131; 21,308; 21,844; and S. 5555.

United States as an artisan or laborer in any of its manufacturing establishments, arsenals, or navy-yards, or in the construction of river and harbor or fortification work or in hazardous employment on construction work in the reclamation of arid lands or the management and control of the same, or in hazardous employment under the Isthmian Canal Commission." It provided in general that such employees injured in the course of their employment should receive during their disability for the period of a year, compensation at the rate of their former pay: and that if such employees should die by reason of such injuries, their widows, children under sixteen years of age, and dependent parents should receive for the remainder of the year compensation at the rate of the employees' former pay. The act provided no compensation for the first fifteen days of disability, if the disability did not continue for more than fifteen days, and no medical and surgical relief for injured employees. The administration of the law was given to the Secretary of Commerce and Labor, and compensation was to be paid from appropriations for the services where the injuries occurred. The Secretary of Commerce and Labor delegated the work of administration to the Bureau of Labor, where, in what was then known as the Law and Research Division, the regulations and blank forms used in its original administration were prepared, and the work of establishing contacts and devising a system of receiving, adjudicating, and filing claims for compensation was performed. Important questions of law were decided by the Solicitor for the department.

The act of 1908 was amended from time to time, to provide for what were considered peculiar conditions in the Canal Zone, and to extend its scope. Previous to the enactment of this act, by a regulation of the Isthmian Canal Commission, dated July 1, 1907, thirty days of what was known as "meritorious sick leave," over and above the ordinary sick leave, was allowed each year to employees during disability resulting from injuries received in the course of employment. By a deci-

## 6 EMPLOYEES' COMPENSATION COMMISSION

sion of September 1, 1908, the Comptroller of the Treasury ruled that the Compensation Act of 1908 was exclusive, and that it was not within the power of the Isthmian Canal Commission to enlarge or diminish the provisions of this act.<sup>13</sup> In order to provide compensation for employees of the commission who were disabled less than fifteen days, and who were not engaged in "hazardous" employments, Congress passed an act in 1909 providing that the act of 1908 shall not prevent the Isthmian Canal Commission from granting "meritorious sick leave."<sup>14</sup> Although the commission did not avail itself of this law, an act of 1911 widened the scope of the act of 1908 in regard to employees of the Isthmian Canal Commission by providing that all employees of the commission should receive compensation under the act of 1908.<sup>15</sup> This same act transferred the administration of the act of 1908, as far as employees of the commission were concerned, from the Secretary of Commerce and Labor to the commission, and allowed one year for filing of claims in case of death instead of ninety days, as in the original act.

The Panama Canal Act of 1912 directed the President to provide a method for the determination and adjustment of all claims arising out of personal injuries to employees working on the canal or the Panama Railroad.<sup>16</sup> Under authority of this act, the President in 1914 issued an executive order superseding the Compensation Act of 1908 as far as the Isthmian Canal Commission was concerned and containing more liberal compensation provisions than had ever appeared in a national law.<sup>17</sup> A waiting period of four days was provided, but no compensation other than medical benefits was to be paid unless the disability should continue for more than seven days. The order provided a fixed schedule of compensation benefits for

<sup>13</sup> 15 Compt. Dec., 161.

<sup>14</sup> Act of February 24, 1909; 35 Stat. L., 645.

<sup>15</sup> Act of March 4, 1912; 36 Stat. L., 1452.

<sup>16</sup> Act of August 24, 1912; 37 Stat. L., 563.

<sup>17</sup> Executive Orders of February 26, 1913, March 24, 1913, and March 20, 1914.

loss of parts; 75 per cent of monthly pay for the first three months of disability, and 50 per cent for the following period of disability; medical and surgical benefits during the whole period of disability; and certain percentages of previous wages to widows, brothers, sisters, grandparents, and grandchildren of deceased employees.

The act of 1908 was amended from time to time to include within its scope what were considered hazardous employments. In 1912 the provisions of this law were extended "to apply to any artisan, laborer, or other employee engaged in any hazardous work under the Bureau of Mines or the Forestry Service,"<sup>18</sup> and in the same year the law was amended to include hazardous employments in the Lighthouse Service.<sup>19</sup> On July 15, 1915, by an order of the Secretary of the Interior, approved by the President on July 20, the provisions of the act of 1908 were extended to the employees of the Alaskan Engineering Commission, and the compensation benefits, which had been granted by the Chairman of that commission, were extended even to certain contract laborers.<sup>20</sup>

The organic act of 1913 creating the Department of Labor included the administration of the act of 1908 among the duties to be retained and exercised by the Commissioner of Labor Statistics when his title was changed from Commissioner of Labor.<sup>21</sup> However, a month later the Attorney-General decided that the final authority to determine claims rested in the Secretary of Labor and not in the Commissioner of Labor Statistics.<sup>22</sup>

*Present Act of 1916.* The present Employees' Compensation Act, approved September 7, 1916, was enacted because the

<sup>18</sup> Act of March 11, 1912; 37 Stat. L., 74.

<sup>19</sup> Act of July 27, 1912; 37 Stat. L., 239.

<sup>20</sup> This order was issued by the Secretary of the Interior under authority granted by the executive order of April 10, 1915, which was issued under authority granted by the Alaskan Railroad Act of March 12, 1914 to the President to do "all necessary acts and things." (38 Stat. L., 305)

<sup>21</sup> Act of March 4, 1913; 37 Stat. L., 736.

<sup>22</sup> Opinion of April 13, 1913; 30 Op. Atty. Gen. 145.

## 8 EMPLOYEES' COMPENSATION COMMISSION

existing compensation legislation for United States employees had been found to be inadequate and incomplete in scope. Inasmuch as the laws generally aimed to provide compensation only for employees in "hazardous" employments, about half of the persons in the national civil service were able to obtain compensation through the regular channels. Those employees who were not covered by the existing laws could obtain compensation, when injured, only through special acts of Congress.

The compensation benefits allowed, except in the case of employees working on the Panama Canal or the Panama Railroad, were inadequate and unscientific. The general act of 1908 provided for a "waiting period" of fifteen days, but for the payment for the full period when injuries continued for more than fifteen days, and therefore either resulted in a hardship or encouraged malingering in the case of employees whose disability would ordinarily continue for less than fifteen days. The legislation applying to employees of the Life-Saving Service and the Post Office Department, and the general act of 1908, did not provide medical or surgical relief for injured employees, and allowed only limited cash benefits in case of disability or death. In the Life-Saving Service full pay could continue for two years in the case of disability, and the dependents of employees dying from the results of injuries received compensation amounting to the employees' wages for two years. In the Post Office Department full pay could continue for the first year of disability and half-pay for the second year of disability, and compensation on account of death was a fixed sum of \$2000. In services covered by the act of 1908 full pay could continue for the first year of disability, and dependents of employees dying during the first year of disability were entitled to the employees' salaries for the remainder of this year. Thus the cash benefits allowed for disability or death in all services except in the Canal Zone were inadequate in case of long disability or death;



and in the case of disability for periods less than a year or two years, the law encouraged malingering.

The administration of the compensation laws, before the enactment of the present act, was also inadequate. There was no specialized body to determine whether compensation should be allowed or refused; and it was illogical that the administration of the general act of 1908, which was applicable to employees in several services of the government, should be under the Department of Labor. Moreover, the fact that compensation to employees in each service was paid from appropriations for that particular service worked a hardship in instances where sums had been appropriated for designated objects.

Persons who felt the need for a compensation law covering all employees of the United States were actuated mainly by a belief that it was unjust for persons receiving the same injury to be given varying amounts of compensation according to the service in which they were enrolled. It was contended that if one schedule of compensation was fair the other schedules were unfair. It was also believed to be unjust that persons disabled in "hazardous" or "peculiar" employments should be compensated and that persons equally disabled in other employments should receive nothing. Moreover, the development of scientific compensation thought in Europe and in some of the American states gave the advocates of a general national law something concrete and substantial to propose.

The need for a comprehensive compensation law was felt both within and without the civil service. Various associations of government employees, including the United National Association of Post-Office Clerks and the National Association of Letter Carriers, officially indorsed a general compensation law drawn on the lines of the one finally adopted. The Bureau of Labor Statistics of the Department of Labor, the American Association for Labor Legislation, the Legislative Drafting Fund of Columbia University, and the American Federation of Labor were all working for a liberal Federal

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employees' compensation law, and even such disinterested organizations as the General Federation of Women's Clubs came out in favor of such a law.

In the first session of the 64th Congress seven compensation bills were introduced in the House of Representatives and three were introduced in the Senate.<sup>23</sup> Four of the House bills were referred to the Committee on the Judiciary, and three were referred to the Committee on Reform in the Civil Service. Two of the Senate bills were referred to the Committee on the Judiciary, and the other was referred to the Committee on Education and Labor. A bill for the relief of employees suffering injuries or occupational diseases was introduced in the Senate during this same session, and was referred to the Committee on the Judiciary.<sup>24</sup>

One of the House bills, introduced by Mr. Daniel T. McGillicuddy of Maine, became the present Compensation Act.<sup>25</sup> Little opposition was given this bill in the House, and on July 12 it was passed by a vote of 288 to 6.<sup>26</sup> During the debate in the House several minor amendments were added, including one reducing the salaries of the three Commissioners from \$5000 to \$4000.

In the Senate the McGillicuddy bill was referred to the Committee on Education and Labor on July 14, and on July 22 it was reported favorably from committee with an amendment providing that the commission could reduce the compensation as much as 25 per cent in proportion to the negligence of the employee.<sup>27</sup> In the subsequent debate this amendment was rejected.<sup>28</sup> An amendment providing that all clerks and employees carrying on compensation work exclusively in the Department of Labor should be transferred to the com-

<sup>23</sup> H. R. 476; 8,652; 13,621; 15,316; 15,392; 15,393; 15,394; and S. 2846; 3596; 5975.

<sup>24</sup> S. 604.

<sup>25</sup> H. R. 15,316.

<sup>26</sup> *Congressional Record*, 64 Cong., 1 sess., p. 10,915.

<sup>27</sup> *Congressional Record*, 64 Cong., 1 sess., pp. 10,991 and 11,519.

<sup>28</sup> *Ibid.*, p. 12,896.

mission was accepted, and the bill passed the Senate as amended on August 19 by a viva voce vote.<sup>29</sup>

When the bill was returned to the House an amendment was added on August 25 providing for the transfer of all employees engaged in compensation work from all government establishments to the commission, and for the abolition of all other organizations in the government administering compensation laws.<sup>30</sup> The Senate disagreed to this amendment on September 2, and conferees were appointed.<sup>31</sup>

The conference committee accepted the amendment of the House, and provided that the commission could obtain in addition to other reports such information as might be agreed to by the commission and the heads of the departments.<sup>32</sup> The conference report was agreed to, and on September 7, the bill was approved by the President and became the present Employees' Compensation Act.

This act provides in general that the United States shall pay compensation to civil employees or their dependents for disability or death resulting from personal injuries sustained while in the performance of duty.<sup>33</sup> This phrase "personal injury sustained while in the performance of duty" is unique in workmen's compensation legislation. It has been construed to include personal injury sustained by an employee while on the premises or other place of employment provided he is "on such premises for the purpose of going to or returning from his work or performing duties connected with or incidental to his work, and is not on such premises merely for purposes of his own."

About 400,000 employees of the United States were covered by the act when it was approved. The schedule of compensation benefits is based upon the provisions of the more liberal state laws, and aims to give relief to injured employees or

<sup>29</sup> Ibid., pp. 12,901, 12,902.

<sup>30</sup> Ibid. p. 13,209.

<sup>31</sup> Ibid., pp. 13,670, 13,700.

<sup>32</sup> Ibid., p. 13,739.

<sup>33</sup> For the text and an analysis of the act, see Appendix 4.

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their dependents without promoting malingering. Although the act does not specifically mention occupational diseases, it has been construed that it covers disabilities from nonaccidental causes which arise from service.

The act is administered by a commission of three, appointed by the President, by and with the advice and consent of the Senate, one of whom is designated by the President as chairman. A sum of \$500,000 was originally appropriated for compensation payments and \$50,000 for administrative expenses. The appropriations for the employee's compensation fund are continuing, the unexpended balances being carried over from year to year.

Section 42 of the act provides, "That the President may, from time to time, transfer the administration of this Act so far as employees of the Panama Canal and of the Panama Railroad Company are concerned to the Governor of the Panama Canal, and so far as employees of the Alaskan Engineering Commission are concerned to the Chairman of that commission." In accordance with this authorization the President transferred the administration of the act concerning such employees to the Governor of the Panama Canal on September 15, 1916, and to the Chairman of the Alaskan Engineering Commission on September 29, 1916.<sup>84</sup>

The new act differed from its predecessors in many important respects. It created a new body, the United States Employees' Compensation Commission, to administer its provisions and to pay compensations from a newly created special compensation fund, transferring the burden of these payments from the various services where the injuries were incurred. It covers all civilian employees of the United States government instead of only specified classes.

Since July 1, 1919, the provisions of this act were extended to the civilian employees of the District of Columbia (except policemen and firemen for whom other provision is made). While the Employees' Compensation Commission ad-

<sup>84</sup> Executive Orders of September 15, 1916 and September 29, 1916.

ministers the act with regard to the employees of the District of Columbia, the compensation is paid out of funds specially appropriated by Congress for the District of Columbia.<sup>35</sup>

The act provides compensation for injuries resulting in disability of more than three days instead of establishing a waiting period of fifteen days. It is much more liberal with regard to the duration of payments. It provides for medical service, which the old law did not and, unlike many state laws, it makes such service unlimited both as to amount and time. Under this act only wilful misconduct, intoxication, and intent to bring about injury to himself or to another employee disqualifies a person from receiving compensation for injuries instead of "negligence," as in the act of 1908.

While the new law took effect on the day of its enactment, September 7, 1916, the commission was not organized until March 17, 1917, when two of the Commissioners took the oath of office. The actual work of the commission did not begin until about April 1, 1917.

As the authority of the Department of Labor and of the Post Office Department to administer compensation provisions ceased with the enactment of the new laws, there was an interim from September 7, 1916, to March 14, 1917, a period of over six months, during which no one had authority to investigate any injury or to pass upon or pay any claim for compensation. During that period a mass of work accumulated.

When the commission was organized it was confronted with: (1) several hundred cases of injury which had occurred, but had not been settled by the Department of Labor prior to September 7, 1916; (2) several hundred similar cases under Post Office appropriation acts; and 5301 injury reports and 1519 accumulated claims for compensation for injuries under the new act. As no forms or instructions could be issued during this interim of six months, the papers in the claims filed during this period were in most cases incomplete and de-

<sup>35</sup> Act of July 11, 1919; 41 Stat L., 68, 104.

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fective. This resulted in great hardship to the injured employees and their surviving dependents.

As soon as quarters had been secured and an organization effected, the commission set to work adjudicating the many long delayed claims for compensation. Cases of temporary disability were taken up first because they usually involved no difficult questions and could be most readily disposed of. Bills for medical and hospital services were given second place. Then followed permanent disability and death claims, the latter requiring many details of proof of marriage, certificates of birth, questions of guardianship, dependence, etc.; involving much inquiry and delay. The commission next gave its attention to the working out of a permanent system of administration.

The creation of new war agencies and the expansion of the work in all departments of the national government on account of participation in the World War, increased the volume of work and enhanced the difficulties of the commission. On the other hand the termination of the war added new difficulties to the task of the commission, because the abandonment of government camps and establishments, and the discharge or displacement of thousands of officers and employees made it impossible in many cases to get prompt and adequate data concerning the claims for compensation that were presented. Furthermore, contrary to all expectation, instead of diminishing, the number of claims for compensation increased during the first fiscal year following the Armistice.

The commission, while meeting these pressing temporary problems, has gradually worked out a permanent system of administration. During the first year of its existence, a survey was conducted for about four months to ascertain the conditions under which work in the government establishments was carried on, and the means that could be provided for accident prevention. As the best means to this end the commission accepted the services of officers and safety engineers connected with the National Safety Council and the National

Museum of Safety, who were loaned to the commission and were employed as "dollar-a-year men," and who made the survey under the direction of the commission and with the coöperation of the various government departments and an advisory committee representing them. As a result of this survey, many cases of avoidable hazards were pointed out by experienced safety engineers and steps were taken to prevent them, and the Secretaries of the Navy and War appointed safety engineers for all the important navy yards and arsenals.

## CHAPTER II

### ACTIVITIES

The United States Employees' Compensation Commission is created by and entrusted with the administration of the Employees' Compensation Act. The commission interprets the act, makes and publishes regulations, considers all claims for compensation, decides whether the injured employees or their beneficiaries are entitled to compensation and determines the amount of compensation to be awarded, and organizes and furnishes the medical service in accordance with the provisions of the act. The power of interpretation and award is exercised only by the commission and is in no case delegated to any agent or other officer.

Under the Employee's Compensation Act the commission passes upon all claims for compensation arising out of injuries sustained by employees of the United States government while in the performance of their duty. The compensation granted under previous acts ceased for injuries sustained on and after September 7, 1916, when the present law was approved, and the settlement of all pending claims and of all claims arising subsequent to that date was transferred from existing administrative services to the commission. Unsettled claims for injuries sustained prior to that date were acted upon by the commission by passing upon the facts in each case and reporting its findings to the government establishment concerned, no payments being made by the commission in such cases.

At the time of the approval of the present act, compensation acts of various characters were being administered in the following services :



1. The Coast Guard, administering act of 1882, amended by acts of 1908 and 1915, applying to employees of the Coast Guard.
2. The Post Office Department, administering provisions appearing in appropriation acts since 1900, applying to certain employees of that department.
3. The Department of Labor, administering general act of 1908, applying to certain "hazardous" employments in government services.
4. The government of the Panama Canal and the Panama Railroad Company, administering Executive Order of 1914 in pursuance of the act of 1908, applying to employees of those two services.
5. The Alaskan Engineering Commission, administering Executive Order of 1915, extending provisions of general act of 1908 to employees of the commission.

All of these acts were superseded by the present general act.

Soon after the enactment of the present law, the administration of the act was transferred by executive orders to the Governor of the Panama Canal, in the case of employees of the Panama Canal and the Panama Railroad Company, and to the Chairman of the Alaskan Engineering Commission, in the case of employees of that commission. These organizations pay the compensations for injuries to their respective employees, but are reimbursed for such payments out of the Employees' Compensation Fund. Since July 1, 1919, the administration of the act has been extended to employees of the District of Columbia, but the compensations are paid out of appropriations for that government.

The amount and character of the benefits paid to beneficiaries under this act are shown in the analysis and text of the act in the Appendix 4.

**Rules and Regulations.** As the activities of the commission extend to nearly all branches of the government service, where the coöperation of officers and employees is necessary for the

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administration of the compensation service, it is essential that there should be uniformity of procedure in all matters pertaining to the enforcement of the Compensation Act. The act therefore gives the commission authority to make necessary rules and regulations for its enforcement. Such rules and regulations have been made and published and have been distributed to the several government organizations having use for them.

**Publicity.** The commission considers as one of its duties the giving of publicity to the Employees' Compensation Act by bringing its provisions to the attention of officers and employees in the service. To this end, it has requested every government office to display, in a conspicuous place, a poster furnished by the commission; it has furnished to each such office for distribution to every employee, a leaflet notifying employees of the provisions of the law and instructing them concerning the necessary procedure in case of injury; and it encourages employees' associations to publish the law and references thereto. The Postal Guide also contains, in each of its yearly issues, a brief statement of the provisions of the law.

**Administering Compensation Awards.** The Compensation Act (Section 36) provides that "The Commission, upon consideration of the claim presented by the beneficiary and the report furnished by the immediate superior and the completion of such investigation as it may deem necessary, shall determine and make findings of facts thereon and make an award for or against payment of the compensation provided for in the act." The awards made by the commission are either for or against the payments of compensation and for the continuance, increase, or decrease of compensation already granted, in accordance with the facts presented in the reports of injury, in the claim and its accompanying papers, and as ascertained through subsequent inquiry. The commission also acts with regard to recoveries from third parties who are liable for injuries to government employees.

All claims, certificates, and other required papers are made on prescribed forms, copies of which are supplied as needed. The employees fill in these forms with the help of their superior officers, who are required to render this assistance. These forms are so designed and the instructions given by the commission and by the superior officer are so complete that no private attorneys' services are needed.

Incidental to the granting and refusing of compensation awards, notices and reports of injuries are required of employees and their official superiors. The Compensation Act provides (Sections 15-16) that: "Every employee injured in the performance of his duty, or some one on his behalf, shall within forty-eight hours after the injury, give written notice thereof to the immediate superior of the employee. . . . The notice shall state the name and address of the employee, the year, month, day and hour when and the particular locality where the injury occurred, and the cause and nature of the injury, and shall be signed by and contain the address of the person giving the notice."

The act further provides (Section 24) that: "Immediately after an injury to an employee resulting in his death or in his probable disability, his immediate superior shall make a report to the Commission containing such information as the Commission may require, and shall thereafter make such supplementary reports as the Commission may require," and (Section 28a) that the commission may obtain in addition "such information and such reports from employees of the departments as may be agreed upon by the Commission and the heads of the respective departments."

In accordance with these provisions the commission has arranged with all the departments and other establishments of the government for the rendering of notices and reports of injuries to government employees sustained while in the performance of their duties. These notices and reports are rendered and are filed in the office of the commission even if no

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subsequent claim for compensation is made. The notices and reports are made on prescribed forms.

Whenever an injury occurs to an employee he, or some one on his behalf, gives notice of the fact (Notice of Injury), within forty-eight hours, to the immediate superior.

If the injury results in any medical charge against the commission or in any loss of time other than the remainder of the day or shift on which the injury occurred, a report is made by the official superior to the commission (Report of Injury).

Each claim for compensation must be prepared on the proper form. Two forms are used (Claim for Compensation on Account of Injury and Claim for Compensation on Account of Death).

The claim for compensation on account of injury contains such detailed information concerning the injured employee and the disability as is necessary to obtain a proper understanding of the case, prepared, signed, and sworn to by the injured employee or some one on his behalf; statements of witnesses to the injury; a statement of the establishment medical officer if there be one; a certificate of the attending physician; and a certificate of the official superior of the injured employee.

The claim for compensation on account of death contains a similar statement concerning the deceased employee, the relationship of and other descriptive information concerning the claimant, and a list of other relatives entitled to compensation, signed and sworn to by the claimant. This is accompanied by a physician's certificate, a certificate of the official superior, and other evidence to establish the right to compensation, such as a widow's affidavit that she was living with or dependent upon the man at the time of his death; a father's and mother's affidavit showing dependency; birth certificates in the case of children, etc.

The claim for compensation on account of injury must be filed, as a rule, by the claimant within sixty days after the injury causing the disability for more than three days, with the official superior, who, in turn, transmits it immediately to

the commission. The law requires that claims for compensation on account of death be filed within one month after death occurs. Discretion is given the commission, however, in either case, to consider a claim if filed within one year of the date of injury or death. In practice, if the evidence is otherwise good, the commission allows a claim for compensation on account of injury or death if made within a year.

Each claim for compensation either on account of disability or death is required to be preceded or accompanied by a notice and report of injury, as above described.

Special reports are called for only when additional evidence or other information is needed to settle a claim for compensation.

All notices and reports of injuries and claims for compensation received by the commission are serially numbered as soon as received, each case of injury receiving a separate number; and all papers in the case, including claims, receiving the same number.

For each report of an injury received by the commission an index card is prepared. This card contains the name of the employee, the serial number of the case, the date of injury, the date of beginning of disability, and the name of the service in which employed. These index cards are filed alphabetically by name, and are never withdrawn from the file.

Each report of an injury is placed in a folder and filed serially in a case file, and all claims and other papers relating to the same case, after being numbered, are placed in the same folder in chronological order.

Record cards summarizing the important facts concerning each case of injury are punched for statistical purposes.

All the work of receiving, indexing, assembling and filing, and following up reports concerning injuries up to the time of filing claims is done in the Assembly Division. After the formal claim is in, the Claims Division handles the papers and conducts the correspondence. The Assembly Division has the custody of all the papers relating to injury reports

and claims of the commission, and keeps a record of the location of such papers while in use and removed from the files.

When a claim is received in the Assembly Division it is given the serial number of the notice and report which have preceded or which accompany it, and the proper notation is made on the index and record cards. It is then passed on to the Claims Division.

In the Claims Division an examination is made of the statements contained in the claims, the notice and report of the injury and other papers that may accompany them. If deemed necessary, additional information is called for.

Claims in which the awarding of compensation depends upon medical questions that require interpretation, cases in which the real cause or nature of the injury, disability, or death is in doubt, or cases in which the opinions or statements of medical officers and attending physicians differ, are referred to the Medical Director of the Commission. The papers in each case are returned by the Medical Division to the Commissioners or to the Claims Division.

The commission makes all awards. Each claim is examined by two of the claim examiners. If they agree that compensation should be awarded and that the case does not contain any matter of doubt, they pass the claim as allowed, and it goes through and is approved by the Commissioners as a routine case. If they find, however, that there is some doubt, the case is referred to the commission.

If any question as to the action which should be taken upon a claim arises in the mind of the Chief Claim Examiner, he refers the case for decision, with a memorandum of the essential facts, to one of the Commissioners. The latter carefully examines the claims, and then makes a notation of his findings and the reason therefor and sends the case to the other Commissioners, who in turn take similar action. If the Commissioners disagree, they confer in regard to the case and usually come to an agreement. Before making the decision, the Commissioner having a case in hand sometimes

consults with the Chief Claim Examiner, the Chief Medical Examiner, the Attorney, or the Chief of Accounts, according to the question that arises. Sometimes questions are referred by the Commissioners or by the Disbursing Officer to the Comptroller of the Treasury for decision.

In examining the merits of a claim the Commissioners may find it necessary to visit the claimant and his superior officer and examine them and others concerning the facts in the case. These investigations are sometimes made by individual Commissioners, but usually they are made by a special agent of the commission. In the examination of cases the Commissioners have authority to issue subpoenas for and to compel the attendance of witnesses within a radius of one hundred miles; they may require the production of books, papers, documents, and other evidence, and administer oaths and examine witnesses.

A claimant for or a recipient of compensation must submit to medical examination, either before an award is made or while he is receiving compensation. In this matter the Compensation Act provides (Section 21):

After the injury the employee shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a medical officer of the United States or by a duly qualified physician designated or approved by the commission. The employee may have a duly qualified physician designated and paid by him present to participate in such examination. For all examinations after the first the employee shall, in the discretion of the commission, be paid his reasonable traveling and other expenses and loss of wages incurred in order to submit to such examination. If the employee refuses to submit himself for or in any way obstructs any examination, his right to claim compensation under this Act shall be suspended until such refusal or obstruction ceases. No compensation shall be payable while such refusal or obstruction continues, and the period of such refusal or obstruction shall be deducted from the period for which compensation is payable to him.

This section is designed to give the commission authority to compel a person receiving compensation for injury to submit to examination at the hands of a physician of the commission's choice at any time, in order to verify his claim.

Aside from the monetary compensation, any employee when injured is entitled to medical treatment. This treatment to which he is entitled is (1) by a government physician when available; (2) by a designated physician if a government physician is not available; or (3) by any physician of his choice if neither a government physician nor a designated physician is available. In the latter case the commission pays all reasonable bills for such treatment.

A regulation of the commission provides that no compensation will be paid on account of the death or disability of an employee, "if his death is caused, or if and in so far as disability is caused, continued, or aggravated by an unreasonable refusal to submit to medical treatment or to any surgical treatment, the risk of which is inconsiderable, in the opinion of the Commission, based upon expert medical or surgical advice." In practice the commission has never denied compensation because an employee refused treatment, unless that treatment was a surgical operation, the risk of which was inconsiderable. If a minor surgical operation is advised and the employee refuses to submit, the commission does not refuse compensation on that account.

Section 22 of the Compensation Act provides that "in case of any disagreement between the physician making an examination on the part of the United States and the employee's physician the Commission shall appoint a third physician, duly qualified, who shall make an examination." Whenever such disagreement arises, the commission, through its Chief Medical Officer, appoints a special physician to make an examination of the injured employee, whose report, together with the statements of the medical officer and the employee's physician and all other papers in the case are submitted to the commission, which makes the final decision.



When compensation is awarded by the commission, the fact of the award is certified by the Chairman and a notice of the award is sent to the claimant and to the injured employee's superior officer.

There is no appeal from the decisions of the commission, either to a higher authority or to the courts. The commission, however, will always consent to review a case upon additional evidence being presented, and it will permit additional examination whenever there is any plausible ground.

The claim with all its accompanying papers is returned to the Claims Division, and if compensation is awarded the claimant's name is placed on the compensation pay roll, which is prepared in that division, and submitted to the Chief of Accounts, whose duties are those of a disbursing clerk, and who issues the checks for payment and keeps account of the same. An important duty of this officer is to audit the computations that are made by the Claims Division.

While matters of fact and of policy with regard to compensable disability of claimants are not questioned by the Comptroller of the Treasury, if awards of compensation are made which are contrary to the terms of the Compensation Act, such payments are disallowed by the Comptroller, and the Chief of Accounts is held responsible. The Chief of Accounts, therefore, for his own protection, must examine each claim in order to assure himself that the award was made in accordance with law. In any case where compensation is paid under a mistake of law or of fact, the commission is required (Section 38) to cancel immediately any such award, and recover, as far as practicable, any amount which has been so paid, and to place the amount so recovered to the credit of the employees' compensation fund.

Continuing compensation awards are reviewed by the commission whenever it sees fit, either on its own motion or on application. In doing so it may call for evidence, order examinations, and take such other steps as are indicated in connection with the awarding of compensations.

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In accordance with the facts so ascertained the commission terminates, diminishes, or increases compensations previously awarded, or awards compensations previously refused. Thus, in the case of old persons it may decrease the compensation and in the case of minors or learners it may increase it, if it appears that if the disability did not exist the present earning capacity would be less or greater, respectively, at present than it was at the time of the injury. Likewise, the commission readjusts the apportionment of compensation when on account of marriage, death, the birth of a posthumous child, or for some other reason, the apportionment among a group of beneficiaries must be changed.

The commission is authorized to modify the apportionment of compensation prescribed in the act when two or more classes of persons are entitled to compensation and the legally prescribed apportionment would result in injustice.

Persons receiving compensation for injuries sustained are required to make affidavit periodically that the condition on which the award is based still exists.

The commission is authorized to grant lump sum payments in lieu of periodical payments, if the amount is less than \$5 per month; if the beneficiary is about to become a non-resident of the United States; or if the commission determines that it is for the best interests of the beneficiary.

**Directing and Conducting Damage Suits Against Third Parties.** Sections 26 and 27 of the Compensation Act provide that if injury or death for which compensation is payable is caused under circumstances creating liability upon some person other than the United States to pay damages, the commission is to require the beneficiary either to assign his right of action to the United States or to prosecute such action in his own name and arrange for a refund to the United States in case settlement is made. Provision is made in the act whereby the compensation fund is reimbursed out of the money or other property so received for any compensation made or to be made

on account of the injury, and the balance is retained by the injured employee.

The suits for recovery are handled by the Legal Division, and when the papers in such a case are received in the Assembly Division they are usually routed direct to that division. The third-party cases usually have been conducted by the claimants themselves. When the commission considers that a government employee has a reasonably good case, it advises him to prosecute, and if desired, assists him in the selection of an attorney.

**Administration of Medical Relief.** Section 9 of the Compensation Act provide that :

Immediately after an injury sustained by an employee while in the performance of his duty, whether or not disability has arisen, and for a reasonable time thereafter, the United States shall furnish to such employee reasonable medical, surgical, and hospital services and supplies unless he refuses to accept them. Such services and supplies shall be furnished by United States medical officers and hospitals, but where this is not practicable shall be furnished by private physicians and hospitals designated or approved by the commission and paid for from the employees' compensation fund. If necessary for the securing of proper medical, surgical, and hospital treatment, the employee, in the discretion of the commission, may be furnished transportation at the expense of the employees' compensation fund.

Arrangements have been made by the Medical Director to utilize the services of any hospital or dispensary maintained by the United States Public Health Service. Civilians employed in the vicinity of permanent or fixed Army hospitals may be admitted to such institutions upon the request of their superior officers. When it is not practicable to obtain treatment from a United States hospital or dispensary, treatment may be obtained from any physician designated by the commission. Employees may also employ a physician of their own choice at their own expense.

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Information is kept constantly on hand in convenient form whereby the location of relief stations and medical officers available in cases of injury and the means of transportation to the same, may be instantly ascertained, and notice is given to every government office of the medical facilities that are available.

Services rendered by hospitals and surgeons of the United States government are not paid for by the commission. Where private hospitals are under contract with the Public Health Service, the commission obtains treatment for its patients at the same contract rate.

Designated physicians and others authorized to render medical services to injured civil employees of the government are paid the customary fees for their services and are reimbursed for medicines and appliances furnished. For this purpose, a list of standard fees for medical treatment, prepared from answers to inquiries sent to state medical associations and from other sources, is kept on hand and up to date. Bills for such services and supplies are rendered by the physicians direct to the commission. They are examined and acted upon in the Medical Claims Division for recommendation to the commission, and if approved are certified to the Chief of Accounts for payment. When government and designated hospital facilities are not available, employees are permitted to employ their own physicians and recover payment from the commission.

**Compiling Statistics.** The commission compiles such facts concerning the causes, nature and frequency of injuries, the cost of compensation and other payments, and other matters as it needs in the administration of the Compensation Act.

One of the first duties of this character undertaken was the analysis and compilation of facts contained in statements received from state medical associations prepared in response to form letters sent out by the commission asking for standards for payment of industrial medical service.

**Estimates and Reports.** In accordance with Sections 31 and 33 of the Compensation Act the commission submits annually to the Secretary of the Treasury estimates of necessary appropriations and to Congress annual reports of its operations.

## CHAPTER III

### ORGANIZATION

The Employees' Compensation Commission consists of three members appointed by the President, by and with the advice and consent of the Senate. It has a force of nearly eighty employees, all of whom are appointed in accordance with the civil service rules.

The work of the Employees' Compensation Commission is carried on in the offices of the Commissioners and of the Secretary, and in seven divisions, namely, Assembly, Claims, Medical, Medical Claims, Legal, Statistical, and Disbursing divisions. There are three Commissioners, one of whom has been designated by the President as chairman.

**Offices of the Commissioners.** Each of the three Commissioners maintains a separate office. The Chairman is the chief administrative head of the commission, and approves by signature or initial all awards, orders for payment, and other executive acts of the commission. Otherwise, the duties of the three Commissioners are identical, namely, the exercising of the quasi-judicial and quasi-executive functions of settling claims and making compensation awards, the Commissioners individually examining the doubtful cases and such as involve new questions of policy.

**Secretary's Office.** The Secretary performs such duties as are commonly performed by the chief clerks of departments and independent establishments. He has charge of the personnel records; the purchasing of supplies; the ordering of publications, such as reports, regulations, forms, publicity matter, etc.; conducting general correspondence; and keeping official records. He is responsible for all records and files of the commission, and for that reason the Assembly Division,

which has the custody of the files, although it is ranked as a division, is under his immediate supervision. He also has the duties of an appointment clerk. The personnel of the Secretary's office consists of the Secretary and three other employees.

**Assembly Division.** This is the central exchange or clearing house for all official papers of the commission. It receives, reads, and routes all the mail of the commission; receives, records, indexes, and distributes the reports of injuries and claims for compensation; follows up each injury report to see that all subsequent reports and other papers necessary to the completion of a case are submitted as promptly as possible so that the rights of both the commission and the claimants are properly protected; and it has charge of all files and indexes of cases.

When the necessary papers are assembled to constitute a complete claim, the case is numbered and the papers are placed in a jacket and transmitted to the Claims Division, which takes all subsequent action in the case. A record is kept in the Assembly Division of the location of the papers of each case as they pass from hand to hand until their return to the files.

Three case files are kept in this division; an assembly file of cases in the course of assembly; a pending file of cases under consideration, awaiting correspondence, or on account of which compensation is being paid; and a final file of closed cases. The personnel of this division consists of a chief and fourteen other employees.

**Claims Division.** The Claim Division examines each case in order to determine whether the facts presented are such as to bring it within the provisions of the Compensation Act; handles special inquiries, except medical, concerning injuries in claim cases; notifies claimants of awards or disallowances; and prepares the pay roll for compensation payments to be made by the Disbursing Office.

Each case is scrutinized to see whether the accident occurred in the performance of duty, whether the injury was caused by willful misconduct, drunkenness, or intention to injure, whether the injured person was a civil employee of the United States, etc. If the Chief Claim Examiner in charge of the division is not satisfied with the facts presented, he initiates the correspondence or the investigation which will develop the information needed.

When the facts are all in and there is a doubt as to the course to be pursued, or the proper decision to be made, he refers the case to the Commissioners for action, accompanied by an abstract of the case setting forth the points at issue. If medical questions arise or when medical examinations or treatment are to be considered, he transmits the case to the Medical Division.

In many cases the facts are so clear and there is such an abundance of precedents that the claims are adjusted and the awards recommended by the Chief Claim Examiner to the Commissioners. In such cases the recommendations are usually approved by the Commissioners as a matter of routine, and the cases receive no further attention from either the Commissioners or the Chief Medical Examiner.

The Claims Division upon the direction of the commission also directs the field investigations that are made from time to time by special agents. The personnel of the division consists of a Chief Claim Examiner and seventeen other employees.

**Medical Division.** The Medical Division is in the charge of the Medical Director, who is aided by an Assistant Medical Director. Both of these officers are detailed from and are on the pay roll of the U. S. Public Health Service. The other employees of the division are paid by the commission. The division orders or authorizes medical examinations and treatment; gives advice on medical matters; conducts the commis-



sion's relations with physicians and hospitals; and designates physicians and hospitals to be used by injured employees.

The technical work of the division, requiring medical or surgical knowledge, is performed by the Medical Director and his assistant.

This division carries on the correspondence of the commission which relates to medical matters. It advises the commission on medical questions which arise in a large proportion of the cases. It suggests the place of treatment of injured employees and determines the selection of physicians, especially when specialists' services are needed. Practically all permanent total and partial disabilities and disabilities that continue for more than about sixty days are referred to the medical division for opinion concerning questions of treatment and of continuance of disability.

The Medical Director examines each case that is brought to his attention to see whether the claimant is getting the kind of treatment that his case requires, and that he is in the hands of a surgeon of known experience, and he advises on all questions of degree of disability of beneficiaries.

In every case of sprain or fracture the Medical Director examines the report in order to find what kind of treatment the claimant is receiving and to order x-ray photographs and operations where necessary.

Other work of the division consists of examining claims of a routine character requiring no technical knowledge; summarizing and typewriting the medical record and medical facts in compensation cases; conducting correspondence not requiring technical medical opinion or action; and keeping up-to-date information concerning the location of surgeons and hospitals most readily available to injured employees, and the best means of transportation to them, all of which is done by clerks and stenographers on the pay roll of the commission. The personnel of this division consists of the Medical Director and his assistant and fifteen employees of the commission.

**Medical Claims Division.** This division handles and passes upon all the medical and hospital bills, bills for the transportation of injured employees and for medical supplies, and bills for special treatment, operations, x-ray work, etc., and conducts the correspondence relating to the same. To do this it must keep in constant touch with sources of information concerning the customary rates of compensation for service and the market prices of medicines and medical and surgical supplies. The personnel of this division consists of a chief and seven other employees.

**Legal Division.** The Legal Division advises the members and other officers of the commission concerning questions of law with relation to the Compensation Act and its administration, and gives assistance and advice in third-party cases.

The third-party cases are cases involving the recovery to the commission and to the claimants for compensation of money from parties who are liable for damages for injuries sustained by government employees in the course of their employment. Such cases are usually adjusted by the parties with the assistance of the Legal Division, but when court proceedings are necessary, the Legal Division assists the prosecutor by supplying information in the case, and if desired, suggesting an attorney to handle the case for the prosecutor. The personnel of this division consists of an Attorney and three other employees.

**Statistical Division.** The Statistical Division classifies and tabulates all the statistical data needed by the commission in its current administrative and publicity work, and in the preparation of the annual report; makes and keeps on file record cards of injuries and of compensation specially prepared for statistical purposes; and makes special studies and analyses of medical, compensation, and accident statistics. The greater part of the volume of the annual reports of the commission usually consists of tables and statistical analyses prepared in

this division. The personnel consists of a Chief Statistician and five other employees.

**Disbursing Office.** The Disbursing Office makes all payments of compensation awards as well as of the salaries and other expenses of the commission, keeps a record of such payments; handles the funds of the commission; and assists the Commissioners in making the estimates of appropriations from year to year. The Chief of Accounts, in charge of this office, is personally responsible for the legality of all payments made by the commission either for compensations or for other purposes, and he therefore scrutinizes all awards of compensation in order to discover any violations of law that may be made by the Commissioners or their assistants in making the awards. As budget officer, the Chief of Accounts in conference with the Commissioners prepares the annual financial estimate of the commission. The personnel of the division consists of a Chief of Accounts and six other employees.

## APPENDIX I

### OUTLINE OF ORGANIZATION

#### EXPLANATORY NOTE

The Outlines of Organization have for their purpose to make known in detail the organization and personnel possessed by the several services of the national government to which they relate. They have been prepared in accordance with the plan followed by the President's Commission on Economy and Efficiency in the preparation of its outlines of the organization of the United States government.<sup>1</sup> They differ from those outlines, however, in that whereas the Commission's report showed only organization units, the presentation herein has been carried far enough to show the personnel embraced in each organization unit.

These outlines are of value not merely as an effective means of making known the organization of the several services. If kept revised to date by the services, they constitute exceedingly important tools of administration. They permit the directing personnel to see at a glance the organizations and personnel at their disposition. They establish definitely the line of administrative authority and enable each employee to know his place in the system. They furnish the essential basis for making plans for determining costs by organization division and subdivision. They afford the data for a consideration of the problems of classifying and standardizing personnel and compensation. Collectively, they make it possible to determine the number and location of organization divisions of any particular kind, as, for example, laboratories,

<sup>1</sup> 62 Cong., 2 sess. H. Doc. 458, 1912, 2 vols.

libraries, blue-print rooms, or any other kind of plant possessed by the national government, to what services they are attached and where they are located, or to determine what services are maintaining stations at any city or point in the United States. The Institute hopes that upon the completion of the present series, it will be able to prepare a complete classified statement of the technical and other facilities at the disposal of the government. The present monographs will then furnish the details regarding the organization, equipment, and work of the institutions so listed and classified.

## EMPLOYEES' COMPENSATION COMMISSION

<i>Unit of Organization; Class of Employees</i>	<i>Number</i>	<i>Annual Salary Rate</i>
I. Offices of the Commissioners		
1. Office of the Chairman		
Chairman .....	1	\$4,000
Stenographer and Office As- sistant .....	1	1,400
2. Offices of other Commissioners		
Commissioner .....	2	4,000
Stenographer and Office As- sistant .....	1	1,200
2. Office of the Secretary		
Secretary .....	1	3,000
Assistant .....	1	1,600
Stenographer and Office Assistant ....	1	1,000
Messenger .....	1	840
3. Assembly Division		
Chief .....	1	1,600
Assistant .....	1	1,600
Clerk .....	5	1,400
.....	6	1,200
Stenographer .....	2	1,000
4. Claims Division		
Chief Claim Examiner .....	1	2,250
Assistant .....	1	2,000
" .....	1	1,800
" .....	5	1,600
Special Agent .....	2	1,800
" .....	2	1,600
Clerk .....	2	1,600
Clerk and Stenographer .....	5	1,200
5. Medical Division		
Medical Director .....	1	1
Assistant Medical Director .....	1	1
Assistant (non technical) .....	1	1,600
Clerk .....	1	1,340
Clerk and Stenographer .....	11	1,200
Stenographer .....	1	1,000
6. Medical Claims Division		
Chief .....	1	1,800

<sup>1</sup> On the pay roll of the U. S. Public Health Service.

# OUTLINE OF ORGANIZATION

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	Clerk .....	2	1,400
	" .....	1	1,340
	Clerk and Stenographer .....	4	1,200
7.	Legal Division		
	Attorney .....	1	4,000
	Assistant .....	1	1,600
	Clerk and Stenographer .....	2	1,200
8.	Statistical Division		
	Chief Statistician .....	1	3,500
	Clerk .....	2	1,400
	Clerk and Stenographer .....	3	1,200
9.	Disbursing Office		
	Chief of Accounts .....	1	2,500
	Assistant .....	1	1,600
	Accountant .....	1	2,250
	Clerk .....	2	1,400
	Clerk and Stenographer .....	2	1,200

## APPENDIX 2

### CLASSIFICATION OF ACTIVITIES

#### EXPLANATORY NOTE

The Classifications of Activities have for their purpose to list and classify in all practicable detail the specific activities engaged in by the several services of the national government. Such statements are of value from a number of standpoints. They furnish, in the first place, the most effective showing that can be made in brief compass of the character of the work performed by the service to which they relate. Secondly, they lay the basis for a system of accounting and reporting that will permit the showing of total expenditures classified according to activities. Finally, taken collectively, they make possible the preparation of a general or consolidated statement of the activities of the government as a whole. Such a statement will reveal in detail, not only what the government is doing, but the services in which the work is being performed. For example, one class of activities that would probably appear in such a classification is that of "scientific research." A subhead under this class would be "chemical research." Under this head would appear the specific lines of investigation under way and the services in which they were being prosecuted. It is hardly necessary to point out the value of such information in planning for future work and in considering the problem of the better distribution and coördination of the work of the government. The Institute contemplates attempting such a general listing and classification of the activities of the government upon the completion of the present series.



## CLASSIFICATION OF ACTIVITIES

1. General administration.
2. Prescribing rules and regulations for reporting injuries and presenting claims and for obtaining medical treatment.
3. Administering awards for compensation and making compensation payments.
4. Administering medical relief service.
5. Directing damage suits against third parties.
6. Compiling statistics of injuries and awards.

## APPENDIX 3

### PUBLICATIONS

The publications of the United States Employees' Compensation Commission consist of the annual reports required by the organic act, and such regulations, instructions, and other information, as are needed for the enforcement of the provisions of the act and for the extension of its benefits to those entitled to receive them.

Annual reports have been published for the fiscal years ending June 30, 1917 to 1921, inclusive. They contain, in addition to the usual report of operations and recommendations, detailed statistics of injuries reported, claims received, awards made, and medical treatment extended under the act. Some of the reports contain interpretations of the Compensation Act by the commission, and two of them reproduce decisions rendered in individual cases.

Regulations concerning the duties of employees, official superiors, medical officers, and others under the Employees' Compensation Act were published in 1918 and distributed to the various government offices. A revised edition was issued October 15, 1919.

Travel regulations for the use of employees of the commission were issued in 1917.

Instructions relative to medical and surgical relief for injured civil service employees were issued August 22, 1917.

Directories of medical officers, physicians, and hospitals available to employees of the government injured in the performance of duty under the Employees' Compensation Act were issued in 1918 and 1920.

A four-page folder, for distribution among government employees, and a poster for display in their places of work, calling attention to the right to compensation and medical treatment for personal injuries of civil employees under the Compensation Act have also been issued.

## APPENDIX 4

### LAWS

#### ANALYSIS OF EMPLOYEES' COMPENSATION ACT OF SEPTEMBER 17, 1916

##### (A) Substantive Law

1. *General Purpose of the Law*

Compensation of civil employees of the United States government and the Panama Railroad Company for personal injuries sustained while in performance of their duties (Secs. 1 and 40).

2. *Employees Covered by the Law*

All civil employees of the United States government and of the Panama Railroad (Secs. 1 and 40).

3. *Injuries for which Compensation is Granted*

Personal injuries

1. Sustained while in performance of duty.
2. Not caused by willful misconduct of injured employee.
3. Not caused by injured employee's intent to bring about injury or death of himself or another.
4. Not having as its proximate cause intoxication of injured employee (Sec. 1).

4. *Classification of Injuries for Compensation Purposes*

1. *Total disability* (Sec. 3)

1. *Temporary*

1. Disability three days or less (Sec. 2).
2. Disability more than three days (Sec. 2).

2. *Permanent* (Sec. 14).

2. *Partial disability* (Sec. 4)

1. *Temporary*

1. Disability three days or less (Sec. 2).
2. Disability more than three days (Sec. 2).

2. *Permanent* (Sec. 14).

3. *Death*, resulting within six years from receipt of injury unless

1. Death takes place more than one year after receipt of injury where no disability preceded death.
2. Death takes place more than one year after cessation of disability resulting from injury (Sec. 10).

5. *Character of Benefits.* Compensation to be paid in following forms; provided that employee not to receive from the United States any salary, pay or remuneration whatsoever except in return for services actually performed, and except pensions for service in the Army and Navy of the United States as long as he is in receipt of compensation under this act, or, if he has been paid a lump sum in commutation of installment payments,

until expiration of period during which installment payments would have continued (Sec. 7).

1. *Reasonable medical, surgical, and hospital services and supplies, unless refused, and transportation to place of securing them if necessary*, to be furnished to employees immediately after injury is sustained in performance of duty, whether resulting in disability or not. Services and supplies to be furnished by United States medical officers and hospitals, but if not practicable then by private physicians and hospitals designated or approved by commission (Sec. 9).
2. *Installment compensation payments* to beneficiaries based upon monthly pay of employee at time of injury. (Secs. 3, 4, 10, and 40).
  1. Monthly pay of injured employee to be computed according to usual practice of service in which person was employed (Sec. 12).
  2. In computing compensation, monthly pay to be considered not more than \$100 nor less than \$50, except that total compensation not to exceed monthly pay (Sec. 10-K).
  3. Subsistence and value of quarters furnished employee to be included as part of pay (Sec. 12).
  4. Overtime pay not to be taken into account. (Sec. 12).
  5. Annual or sick leave to be exhausted before compensation period begins, at discretion of employee, subject to approval of head of department (Sec. 8).
3. *Lump-sum payments* to beneficiaries in cases of death or permanent disability if made in discharge of liability of the United States, payments to be equal to present value of all future payments of compensation computed at 4 per cent. true discount compounded annually; probability of beneficiary's death before expiration of period during which he is entitled to compensation to be determined according to American Experience Table of Mortality, but in case of compensation to widow, lump sum not to exceed sixty months' compensation:
  1. If monthly payment to beneficiary is less than \$5 a month.
  2. If beneficiary is about to become a non-resident of the United States.
  3. If commission determines that it is for best interests of beneficiary (Sec. 14).
4. *Burial expenses to personal representatives, not to exceed \$100, at discretion of commission.*
5. *Transportation of body.* Body to be embalmed and transported in hermetically sealed casket to home of employee, if employee's home is within the United States and his death occurs away from his home office or outside the United States, and if desired by his relatives, and at discretion of commission.
6. *Traveling and other expenses and compensation for loss of wages on account of physical examinations required by commission after the first, to employees* (Sec. 21).

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### 6. *Rates of Compensation*

#### 1. *Total disability, permanent or temporary*

1. Reasonable medical, surgical, and hospital services and supplies, and transportation to place of securing them, if necessary, from time of injury (Sec. 9).
2. Payments, after third day of disability, equal to 66 $\frac{2}{3}$  per cent of employee's monthly pay (Sec. 3).
  1. Payments not to exceed \$66.67, or to be less than \$33.33, unless employee's monthly pay is less than \$33.33, in which case his compensation to be full amount of his monthly pay (Sec. 6).
  2. Payments to minors and learners at time of injury, who were not physically or mentally defective, to be increased at any time, on review, and to old persons, decreased, at discretion of commission, according to probable wage-earning capacity if injury had not occurred (Sec. 6).

#### 2. *Partial disability, permanent or temporary*

1. Reasonable medical, surgical and hospital services and supplies, and transportation to place of securing them, if necessary, from time of injury (Sec. 9).
2. Payments, after third day of disability equal to 66 $\frac{2}{3}$  per cent of difference between employee's monthly pay and his wage-earnings capacity after beginning of such partial disability (Sec. 4).
  1. Monthly compensation not to exceed \$66.67 (Sec. 6).
  2. Value of housing, board, lodging, and other advantages received from employer as part of his remuneration and which can be estimated in money, to be included as wages (Secs. 4 and 13).
3. Payments to minors and learners at time of injury, who were not physically or mentally defective, to be increased at any time on review, and to old persons, decreased, at discretion of commission, according to probable wage-earning capacity if injury had not occurred (Sec. 6).

#### 3. *Death*

1. To employees, reasonable medical, surgical and hospital services and supplies and transportation to place of securing them, if necessary, from time of injury (Sec. 9).
2. Payments according to following scale:
  1. To decedent's widow living with or dependent for support upon decedent at time of his death.
    1. If there is no child, 35 per cent of decedent's monthly pay, until death or marriage.
    2. If there is a child, compensation as above and in addition, 10 per cent for each child, total for widow and children not to exceed 66 $\frac{2}{3}$  per cent. Compensation on account of any child to cease when he dies, marries, or reaches age of eighteen years, or if over eighteen and incapable of self-support, when he becomes capable of self-

- support; if a child has a guardian other than surviving widow or widower, compensation payable on account of such child to be paid to said guardian (Secs. 10-A, 10-C, and 10-H).
2. To decedent's widower wholly dependent for support upon her at time of her death.
    1. If there is no child, 35 per cent of decedent's monthly pay until death or marriage (Sec. 10-B).
    2. If there is a child, compensation as above, and in addition, 10 per cent for each child, total for widower and children not to exceed  $66\frac{2}{3}$  per cent; compensation on account of any child to cease when he dies, marries, or reaches the age of eighteen years, or if over eighteen and incapable of self-support, when he becomes capable of self-support; if a child has a guardian other than surviving widow or widower, compensation payable on account of such child to be paid to said guardian (Secs. 10-A, 10-C, and 10-H).
  3. To decedent's unmarried children, step-children, children legally adopted prior to time of injury and posthumous children, if there is no widow or dependent widower, until death, marriage or age of eighteen years, or if over eighteen and incapable of self-support, until capable of self-support; compensation of child under legal age to be paid to his guardian.
    1. Twenty-five per cent for one child.
    2. Ten per cent for each additional child share and share alike, total not to exceed  $66\frac{2}{3}$  per cent (Secs. 10-D and 10-H).
  4. To decedent's parents, step-parents, and parents by legal adoption prior to time of injury, for period of eight years or until death, marriage, or cessation of dependence (Secs. 10-E and 10-H).
    1. If there is no widow, widower or child
      1. If one is wholly dependent for support upon deceased employee and other is not to any extent, 25 per cent.
      2. If both are wholly dependent, 20 per cent each.
      3. If one is or both are partly dependent, proportionate amount at discretion of commission (Secs. 10-E, 10-G).
    2. If there is a widow, widower, or child, so much of above percentages, as when added to total percentages payable to widow, widower and children will not exceed a total of  $66\frac{2}{3}$  per cent (Sec. 10-F).
  5. To decedent's unmarried brothers, sisters and grandchildren, step-brothers and step-sisters and brothers and sisters by legal adoption prior to time of injury, under age of eighteen years, or if over that age and incapable of self-support, until capable of self-support,

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and grandparents until death, marriage, or cessation of dependence, but in no case for more than eight years; compensation of brother, sister, or grandchild under legal age to be paid to his or her guardian.

1. If there is no widow, widower, child, or dependent parent
  1. If one is wholly dependent upon deceased employee for support at time of death, 20 per cent
  2. If more than one are wholly dependent, 30 per cent, divided among dependents, share and share alike
  3. If no one is wholly dependent, but one or more partly dependent, 10 per cent, divided among dependents, share and share alike.
2. If there is a widow, widower, child, or dependent parent, so much of above percentages as, when added to total percentage payable to widow, widower, child, or dependent parent, will not exceed 66 $\frac{2}{3}$  per cent (Secs. 10-F, 10-G, and 10-H).
6. To decedent's dependents, reapportionment of payments as follows:
  1. Upon cessation of compensation to or on account of any person, compensation of remaining persons entitled to compensation for unexpired period to be that which such persons would have received if they had been the only persons entitled to compensation at time of decedent's death (Sec. 10-I).
  2. Commission, in its discretion, to modify apportionment where there are two or more classes of persons entitled to compensation and apportionment specified above would result in injustice (Sec. 10-J).
  3. To decedent's dependents, burial expenses not to exceed \$100 and embalming and transporting of body in a hermetically sealed casket to home of employee if within the United States, at discretion of commission (Sec. 11).

### (B) ADMINISTRATIVE LAW

#### 1. *Organs of Administration*

##### 1. *United States Employees' Compensation Commission* (Sec. 28).

##### 1. *Organization*

1. Three Commissioners appointed by the President, by and with advice and consent of the Senate; Chairman to be designated by the President (Sec. 28).
2. Term of Commissioners, six years, original appointments to be for two, four, and six years, respectively (Sec. 28).
3. *Qualifications of Commissioners*
  1. No Commissioner to hold any other office or position under the United States (Sec. 28).



2. No more than two Commissioners to be members of same political party (Sec. 28).
  4. Salary of each Commissioner \$4000 per annum (Sec. 28).
  5. Provision for assistants: Commission to have such assistants, clerks, and other employees as may be provided by Congress, to be appointed from civil service eligible lists, and to include all clerks and employees exclusively engaged in carrying on compensation work in executive departments, commissions, and independent bureaus (Secs. 28a and 30).
  6. Principal office of commission, Washington, D. C., but commission to perform its work at any place deemed necessary (Sec. 28).
2. *Powers and Duties*
1. *General powers and duties*
    1. To decide all questions arising under this act (Sec. 32).
    2. To make rules and regulations for enforcement of this act (Sec. 32).
    3. To require submission of reports and information
      1. To obtain from immediate superior, report containing such information as commission may require immediately after injury to employee resulting in death or probable disability (Sec. 24).
      2. To obtain from immediate superior, such supplementary reports as commission may require, after injury to employee resulting in death or probable disability (Sec. 24).
      3. To require from employees of departments such information and such reports as may be agreed upon by commission and heads of respective departments (Sec. 28a).
      4. To require partially disabled employee to make affidavit as to wages he is then receiving (Sec. 4).
    5. At discretion, to waive certain requirements relative to submission of notices and claims.
      1. To allow compensation if notice of injury is submitted within one year instead of forty-eight hours after the injury (Sec. 17).
      2. To waive requirements that every claim shall be on forms to be furnished by commission, shall contain all information required by commission, shall be sworn to by person entitled to compensation or by person acting in his behalf, and, except in case of death, shall be accompanied by certificate of the employee's physician stating nature of injury and nature and probable extent of disability (Sec. 19).

4. *To issue subpoenas for and compel attendance of witnesses* within radius of one hundred miles, to require production of books, papers, documents, and other evidence, to administer oaths, and to examine witnesses, upon any matter within jurisdiction of commission; this power to be exercised by commission, or any Commissioner by authority of commission (Sec. 29).
5. *To report to Secretary of the Treasury and to Congress*
  1. To submit annually to the Secretary of the Treasury estimates of appropriations
    1. For work of commission (Sec. 31).
    2. For maintenance of employees' compensation fund (Sec. 35).
  2. To make to Congress at beginning of each regular session a report of its work for preceding fiscal year, including
    1. Detailed statement of appropriations and expenditures.
    2. Detailed statement showing receipts of and expenditures from employees' compensation fund.
  3. Recommendations for legislation (Sec. 33).
2. *Specific Powers and Duties*
  1. *To award compensation*
    1. *To take over and administer all pending claims* of commissions and independent bureaus by or in which payments for compensation were provided at the time of approval of this act (Sec. 28a).
    2. *To determine and make findings of facts and make awards for or against payment of compensation* provided for in this act
      1. Upon consideration of claim presented by beneficiary and report furnished by immediate superior of injured employee.
      2. After making such further investigation as commission may deem necessary (Sec. 36).
  3. *To review compensation awards*
    1. To review awards made, at any time on its own motion, or on application, and, in accordance with facts found, to
      1. End compensation previously awarded.
      2. Diminish compensation previously awarded.
      3. Increase compensation previously awarded.
      4. Award compensation, if previously refused or discontinued (Sec. 37).
    2. To cancel awards and recover compensation paid as far as practicable, if paid under mistake of law or fact (Sec. 38).

3. To decrease compensation of old persons, according to their probable wage-earning capacity if injury had not occurred (Sec. 6).
4. To increase compensation of minors and learners at time of injury, who are not physically or mentally defective, according to their probable wage-earning capacity if injury had not occurred (Sec. 6).
5. To modify apportionment of compensation when there are two or more classes of persons entitled to compensation, and apportionment specified would result in injustice (Sec. 10-J).
4. *To grant lump sums* in lieu of monthly compensation payments in certain cases (Sec. 14).
2. *To direct damage suits against third parties*, if injury or death for which compensation is payable is caused under circumstances creating legal liability upon some person other than the United States to pay damages therefor
  1. To require beneficiary
    1. To assign to the United States any right of action he may have to enforce such liability.
    2. To assign to the United States any right he may have to share in any money or other property received in satisfaction of such liability.
    3. To prosecute such action in his own name.
  2. To prosecute or compromise cause of action, if it is assigned to the United States (Sec. 26).
3. *To organize service for medical treatment of injured employees* and designate private physicians at hospitals in certain cases (Sec. 9).
4. *To fix fees of examining physicians* not in service of the United States (Sec. 23).
5. *To appoint referee physician*, duly qualified, to make examination in case of any disagreement between physician making an examination on the part of the United States and employee's physician (Sec. 22).
2. *Governor of the Panama Canal*
  1. The President, in his discretion, to transfer from time to time administration of this act so far as employees of the Panama Canal and of the Panama Railroad are concerned to the Governor of the Panama Canal, in which case words "commission" and "its" wherever they appear in this act, so far as necessary to give effect to such transfer, to be read "Governor of the Panama Canal" and "his."
  2. The President, in his discretion, to authorize the Governor of the Panama Canal to waive making of claim required

by section eighteen, in case of compensation to employees of the Panama Canal or of the Panama Railroad Company for temporary disability, either total or partial.

3. Expenses of medical examinations and reasonable traveling and other expenses and loss of wages incurred in submitting to all medical examinations after first to be paid out of appropriations for the Panama Canal or out of funds of the Panama Railroad, as the case may be, instead of out of appropriations for work of commission; and the President, in his discretion, to authorize the Governor of the Panama Canal to pay compensation provided for by this act, including medical, surgical, and hospital services and supplies, and transportation and burial expenses otherwise payable out of employees' compensation fund, out of appropriations for the Panama Canal, such appropriations to be reimbursed for such payments by transfer of funds from employees' compensation fund (Sec. 42).

3. *Chairman of the Alaskan Engineering Commission*

1. The President, in his discretion, to transfer from time to time administration of this act so far as employees of Alaskan Engineering Commission are concerned to the Chairman of that commission, in which case words "commission" and "its" wherever they appear in this act, so far as necessary to give effect to such transfer, to be read "Chairman of the Alaskan Engineering Commission" and "his."
  2. Expenses of medical examinations and reasonable traveling and other expenses and loss of wages incurred in submitting to all medical examinations after the first to be paid out of appropriations for the Alaskan Engineering Commission instead of out of appropriations for work of commission; and the President, in his discretion, to authorize the Chairman of the Alaskan Engineering Commission to pay compensation provided for by this act, including medical, surgical, and hospital services and supplies, and transportation and burial expenses otherwise payable out of employees' compensation fund, out of appropriations for the Alaskan Engineering Commission, such appropriations to be reimbursed for such payments by the transfer of funds from the employees' compensation fund (Sec. 42).
2. *Duties of Injured Civil Employees and their Dependents*
1. *Notice of injury.* Employee, or some one in his behalf, to give notice of injury to the immediate superior, within forty-eight hours (Sec. 15).
    1. This notice to be given by delivering it personally or by depositing it properly stamped and addressed in mail (Sec. 15).
    2. This notice to contain
      1. Name and address of employee.

2. Year, month, day, and hour when injury occurred.
3. Particular locality where injury occurred.
4. Cause and nature of injury.
5. Signature and address of person giving notice (Sec. 16).
3. No compensation to be allowed, unless notice is given within time specified or unless immediate superior has actual knowledge of injury; but commission, in its discretion, to allow compensation if notice is filed within one year after injury (Sec. 17).
2. *Physical examinations.* Employee to submit himself to examination by a medical officer of the United States, or by duly qualified physician designated or approved by the commission, as frequently and at such times and places as may reasonably be required (Sec. 21).
  1. Employee, in his discretion, to have a duly qualified physician designated and paid by him present to participate in such examinations (Sec. 21).
  2. Employee to be examined by third physician, appointed by commission, in case of disagreement between physician making examination on the part of the United States and employee's physician (Sec. 22).
  3. Employee's right to claim compensation under act to be suspended if he refuses to submit himself for, or in any way obstructs examination; suspension to continue until such refusal or obstruction ceases, no compensation to be payable while such refusal or obstruction continues, and period of such refusal or obstruction to be deducted from period for which compensation is payable to him (Sec. 21).
3. *Claim for compensation.* Claim for compensation to be made by person entitled to compensation, or some one in his behalf, within sixty days after injury in case of disability, or one year if delayed for reasonable cause; and within one year after death, in case of death (Sec. 18).
  1. Claim to be made in writing by person entitled to compensation, or some one in his behalf, on forms furnished by commission, and to contain all information required by commission (Secs. 18 and 19).
  2. Claim to be delivered at office of commission, to any Commissioner, or to any person whom commission may by regulation designate; or shall be deposited in the mail, properly stamped and addressed to commission, or to any person whom commission may designate by regulation (Sec. 18).
  3. Claim to be sworn to by person entitled to compensation or by person acting in his behalf; and person making in any claim for compensation any statement knowing it to be false, to be guilty of perjury and to be punished by fine of not more than \$2,000 or by imprisonment for not more than one year, or by both such fine and imprisonment (Secs. 19 and 39).

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4. Claim to be accompanied, except in case of death, by certificate of employee's physician stating nature of injury and probable extent of disability (Sec. 19).
4. *Other income from the United States.* Disabled employee shall not receive from the United States any salary, pay, or remuneration whatsoever except in return for services actually performed, and except pensions for services in the Army and Navy of the United States, as long as employee is in receipt of compensation under this act, or, if he has been paid a lump sum in commutation of installment payments, until expiration of period during which such installment payments, would have continued (Sec. 7).
5. *Partially disabled employee*
  1. To seek suitable work, and if he refuses to seek suitable work or refuses or neglects to work after suitable work is offered to, procured by, or secured for him, to forfeit title to compensation (Sec. 5).
  2. To make affidavit as to wages he is then receiving, when required by commission (Sec. 4).
    1. Affidavit to include statement of the value of housing, board, lodging, and other advantages which are received from employer as part of his remuneration and which can be estimated in money (Sec. 4).
    2. Failure of employee to make affidavit when required, to result in forfeiture of compensation during continuance of such failure, the period of such failure to be deducted from period during which compensation is payable to him (Sec. 4).
    3. Person making in affidavit any statement knowing it to be false, to be guilty of perjury and to be punished by fine of not more than \$2,000, or by imprisonment for not more than one year, or by both such fine and imprisonment (Sec. 39).
6. *Remarriage.* Persons entitled to death benefits, whose compensation should cease upon marriage, and who accept payment of compensation after marriage, to be punished by fine of not more than \$2,000 or by imprisonment for not more than one year, or by both such fine and imprisonment (Sec. 10-L).
7. *Assignment of Claims.* Assignments of claims for compensation under this act to be void, and all compensation and claims therefor to be exempt from all claims of creditors (Sec. 25).
8. *Actions against third parties.* Beneficiary to make such assignment of action against third parties as is required by commission, and to prosecute such action when required by commission; refusal to do this to result in forfeiture of right to compensation (Sec. 26).
9. *Actions against the Panama Railroad Company.* No compensation payable to any person unless he releases to the Panama Railroad Company any right of action he may have to en-

force liability of the Panama Railroad Company, or assigns to the United States any right which he may have to share in any money or property received in satisfaction of liability of the Panama Railroad Company (Sec. 41).

3. *Duties of Immediate Superiors.* Immediate superiors to report to commission

1. Immediately after injury to employee resulting in his death or his probable disability, immediate superior to make report to commission containing such information as commission may require.
2. Subsequent to injury to employee resulting in his death or his probable disability, immediate superior to make such supplementary reports as commission may require (Sec. 24).

4. *Financial Provisions*

1. *Appropriations for work of commission.* Expenditures for following purposes to be chargeable to appropriations for work of commission

1. Salaries of commissioners, assistants, clerks, etc. (Sec. 34).
2. Traveling expenses (Sec. 34).
3. Expenses of medical examinations (Secs. 21, 22, and 23).
4. Reasonable traveling and other expenses and loss of wages to employees incurred in order to submit to all examinations after first (Sec. 21).
5. Rent and equipment of offices (Sec. 34).
6. Purchase of books, stationery, and other supplies (Sec. 34).
7. Printing and binding to be done at Government Printing Office (Sec. 34).
8. Other necessary expenses (Sec. 34).

2. *Appropriations for compensation.* Expenditures for following purposes to be chargeable to the employees' compensation fund

1. Compensation provided by this act.
2. Medical, surgical, and hospital services.
3. Medical, surgical, and hospital supplies.
4. Expenses for transportation to places of medical examination or medical, surgical, and hospital treatment.
5. Transportation and burial expenses provided in case of death (Sec. 35).

3. *Appropriations for fiscal year ending June 30, 1917*

1. For work of commission: \$50,000.
2. For employees' compensation fund: \$500,000 (Secs. 34 and 35).

4. *Money or property realized from actions at law*

1. *Money or other property realized upon cause of action against third parties* to be applied as follows:

1. If realized by commission, to be applied to
  1. Liquidation of amount of compensation already paid to beneficiary.
  2. Payment of expenses of such realization or collection.
  3. Payment of balance to beneficiary, credited upon any

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future payment of compensation payable to him on account of such injury (Sec. 26).

2. Beneficiary, if entitled to compensation from the United States for injury or death, and if in receipt as result of suit brought by him on his behalf, or as result of settlement made by him or on his behalf, of any money or other property in satisfaction of liability of such other person
  1. To deduct, first, costs of suit and reasonable attorney's fee.
  2. To refund to the United States amount of compensation which has been paid for same injury, and credit any surplus upon future payments of compensation payable to him on account of same injury.
  3. If no compensation has been paid him by the United States, to credit money or other property so received upon compensation payable to him by the United States on account of same injury (Sec. 27).
2. *Money recovered when compensation has been paid under mistake of law or of fact* to be placed to credit of employees' compensation fund (Sec. 38).
5. *Alaska and Panama.* Expenditures in furtherance of act in Panama and Alaska to be charged as follows:
  1. Expenses of medical examinations and reasonable traveling and other expenses and loss of wages incurred in submitting to all medical examinations after first to be paid out of appropriations for the Panama Canal or for the Alaskan Engineering Commission, or out of funds of the Panama Railroad, as the case may be, instead of out of appropriations for work of commission.
  2. The President, in his discretion, to authorize the Governor of the Panama Canal and the Chairman of the Alaskan Engineering Commission to pay compensation provided for by this act, including medical, surgical, and hospital services and supplies, and transportation and burial expenses otherwise payable out of compensation fund, out of appropriations for the Panama Canal and for the Alaskan Engineering Commission, such appropriations to be reimbursed for such payments by transfer of funds from employees' compensation fund (Sec. 42).
6. *Construction of the Act*
  1. Singular to include plural and masculine to include feminine (Sec. 40).
  2. Term "Commission" to be taken to refer to United States Employees' Compensation Commission provided for in section twenty-eight (Sec. 40).
  3. Term "physician" to include surgeons (Sec. 40).
  4. Term "employee" to include all civil employees of the United States and of the Panama Railroad Company (Sec. 40).



5. Term "widow" to include only decedent's wife living with or dependent for support upon him at time of his death (Sec. 10-R).
6. Term "widower" to include only decedent's husband dependent for support upon her at time of her death (Sec. 10-H).
7. Term "child" to include step-children, adopted children, and posthumous children, but not to include married children (Sec. 10-H).
8. Term "parent" to include step-parents and parents by adoption (Sec. 10-H).
9. Terms "brother" and "sister" to include step-brothers and step-sisters, half brothers and half sisters, and brothers and sisters by adoption, but not to include married brothers or married sisters (Sec. 10-H).
10. Terms "adopted" and "adoption" to include only legal adoption prior to time of injury (Sec. 10-H).

### (C) COMPILATION OF LAWS

1916.—Act of September 7, 1916 (39 Stat. L., 742)—An Act To provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes.

[Sec.1]. That the United States shall pay compensation as herein-after specified for the disability or death of an employee resulting from a personal injury sustained while in the performance of his duty, but no compensation shall be paid if the injury or death is caused by the willful misconduct of the employee or by the employee's intention to bring about the injury or death of himself or of another, or if intoxication of the injured employee is the proximate cause of the injury or death.

Sec. 2. That during the first three days of disability the employee shall not be entitled to compensation except as provided in section nine. No compensation shall at any time be paid for such period.

Sec. 3. That if the disability is total the United States shall pay to the disabled employee during such disability a monthly compensation equal to sixty-six and two-thirds per centum of his monthly pay, except as hereinafter provided.

Sec. 4. That if the disability is partial the United States shall pay to the disabled employee during such disability a monthly compensation equal to sixty-six and two-thirds per centum of the difference between his monthly pay and his monthly wage-earning capacity after the beginning of such partial disability. The commission may, from time to time, require a partially disabled employee to make an affidavit as to the wages which he is then receiving. In such affidavit the employee shall include a statement of the value of housing, board, lodging, and other advantages which are received from the employer as a part of his remuneration and which can be estimated in money. If the employee, when required, fails to make such affidavit, he shall not be entitled to any compensation while such failure continues, and the period of such failure shall be deducted from the period during which compensation is payable to him.

SEC. 5. That if a partially disabled employee refuses to seek suitable work or refuses or neglects to work after suitable work is offered to, procured by, or secured for him, he shall not be entitled to any compensation.

SEC. 6. That the monthly compensation for total disability shall not be more than \$66.67 nor less than \$33.33, unless the employee's monthly pay is less than \$33.33, in which case his monthly compensation shall be the full amount of his monthly pay. The monthly compensation for partial disability shall not be more than \$66.67. In the case of persons who at the time of the injury were minors or employed in a learner's capacity and who, were not physically or mentally defective, the commission shall, on any review after the time when the monthly wage-earning capacity of such persons would probably, but for the injury, have increased, award compensation based on such probable monthly wage-earning capacity. The commission may, on any review after the time when the monthly wage-earning capacity of the disabled employee would probably, irrespective of the injury, have decreased on account of old age, award compensation based on such probable monthly wage-earning capacity.

SEC. 7. That as long as the employee is in receipt of compensation under this Act, or, if he has been paid a lump sum in commutation of installment payments, until the expiration of the period during which such installment payments would have continued, he shall not receive from the United States any salary, pay, or remuneration whatsoever except in return for services actually performed, and except pensions for service in the Army or Navy of the United States.

SEC. 8. That if at the time the disability begins the employee has annual or sick leave to his credit he may, subject to the approval of the head of the department, use such leave until it is exhausted, in which case his compensation shall begin on the fourth day of disability after the annual or sick leave has ceased.

SEC. 9. That immediately after an injury sustained by an employee while in the performance of his duty, whether or not disability has arisen, and for a reasonable time thereafter, the United States shall furnish to such employee reasonable medical, surgical, and hospital services and supplies unless he refuses to accept them. Such services and supplies shall be furnished by United States medical officers and hospitals, but where this is not practicable shall be furnished by private physicians and hospitals designated or approved by the commission and paid for from the employees' compensation fund. If necessary for the securing of proper medical, surgical, and hospital treatment, the employee, in the discretion of the commission, may be furnished transportation at the expense of the employees' compensation fund.

SEC. 10. That if death results from the injury within six years the United States shall pay to the following persons for the following periods a monthly compensation equal to the following percentages of the deceased employee's monthly pay, subject to the modification that no compensation shall be paid where the death takes place more than one year after the cessation of disability resulting from such injury, or, if there has been no disability preceding death, more than one year after injury.

(A) To the widow, if there is no child, thirty-five per centum. This compensation shall be paid until her death or marriage.

(B) To the widower, if there is no child, thirty-five per centum if wholly dependent for support upon the deceased employee at the time of her death. This compensation shall be paid until his death or marriage.

(C) To the widow or widower, if there is a child, the compensation payable under clause (A) or clause (B) and in addition thereto ten per centum for each child, not to exceed a total of sixty-six and two-thirds per centum for such widow or widower and children. If a child has a guardian other than the surviving widow or widower, the compensation payable on account of such child shall be paid to such guardian. The compensation payable on account of any child shall cease when he dies, marries, or reaches the age of eighteen, or, if over eighteen, and incapable of self-support, becomes capable of self-support.

(D) To the children, if there is no widow or widower, twenty-five per centum for one child and ten per centum additional for each additional child, not to exceed a total of sixty-six and two-thirds per centum, divided among such children share and share alike. The compensation of each child shall be paid until he dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self-support, becomes capable of self-support. The compensation of a child under legal age shall be paid to its guardian.

(E) To the parents, if one is wholly dependent for support upon the deceased employee at the time of his death and the other is not dependent to any extent, twenty-five per centum; if both are wholly dependent, twenty per centum to each; if one is or both are partly dependent, a proportionate amount in the discretion of the commission.

The above percentages shall be paid if there is no widow, widower, or child. If there is a widow, widower, or child, there shall be paid so much of the above percentages as, when added to the total percentages payable to the widow, widower, and children, will not exceed a total of sixty-six and two-thirds per centum.

(F) To the brothers, sisters, grandparents, and grandchildren, if one is wholly dependent upon the deceased employee for support at the time of his death, twenty per centum to such dependent; if more than one are wholly dependent, thirty per centum, divided among such dependent share and share alike; if there is no one of them wholly dependent, but one or more partly dependent, ten per centum divided among such dependents share and share alike.

The above percentages shall be paid if there is no widow, widower, child, or dependent parent. If there is a widow, widower, child, or dependent parent, there shall be paid so much of the above percentages as, when added to the total percentage payable to the widow, widower, children, and dependent parents, will not exceed a total of sixty-six and two-thirds per centum.

(G) The compensation of each beneficiary under clauses (E) and (F) shall be paid for a period of eight years from the time of the death, unless before that time he, if a parent or grandparent, dies,

marries, or ceases to be dependent, or, if a brother, sister, or grandchild, dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self-support, becomes capable of self-support. The compensation of a brother, sister, or grandchild under legal age shall be paid to his or her guardian.

(H) As used in this section, the term "child" includes step-children, adopted children, and posthumous children, but does not include married children. The terms "brother" and "sister" include step-brothers and step-sisters, half brothers and half sisters, and brothers and sisters by adoption, but do not include married brothers or married sisters. All of the above terms and the term "grandchild" include only persons who at the time of the death of the deceased employee are under eighteen years of age or over that age and incapable of self-support. The term "parent" includes step-parents and parents by adoption. The term "widow" includes only the decedent's wife living with or dependent for support upon him at the time of his death. The term "widower" includes only the decedent's husband dependent for support upon her at the time of her death. The terms "adopted" and "adoption" as used in this clause include only legal adoption prior to the time of the injury.

(I) Upon the cessation of compensation under this section to or on account of any person, the compensation of the remaining persons entitled to compensation for the unexpired part of the period during which their compensation is payable shall be that which such persons would have received if they had been the only persons entitled to compensation at the time of the decedent's death.

(J) In case there are two or more classes of persons entitled to compensation under this section and the apportionment of such compensation, above provided, would result in injustice, the commission may, in its discretion, modify the apportionment to meet the requirements of the case.

(K) In computing compensation under this section, the monthly pay shall be considered not to be more than \$100 nor less than \$50, but the total monthly compensation shall not exceed the monthly pay computed as provided in section twelve.

(L) If any person entitled to compensation under this section, whose compensation by the terms of this section ceases upon his marriage, accepts any payments of compensation after his marriage he shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

SEC. 11. That if death results from the injury within six years the United States shall pay to the personal representative of the deceased employee burial expenses not to exceed \$100, in the discretion of the commission. In the case of an employee whose home is within the United States, if his death occurs away from his home office or outside of the United States, and if so desired by his relatives, the body shall, in the discretion of the commission, be embalmed and transported in a hermetically sealed casket to the home of the employee. Such burial expenses shall not be paid and such transportation shall not be furnished where the death takes place

more than one year after the cessation of disability resulting from such injury, or, if there has been no disability preceding death, more than one year after the injury.

SEC. 12. That in computing the monthly pay the usual practice of the service in which the employee was employed shall be followed. Subsistence and the value of quarters furnished an employee shall be included as part of the pay, but overtime pay shall not be taken into account.

SEC. 13. That in the determination of the employee's monthly wage-earning capacity after the beginning of partial disability, the value of housing, board, lodging, and other advantages which are received from his employer as a part of his remuneration and which can be estimated in money shall be taken into account.

SEC. 14. That in cases of death or of permanent total or permanent partial disability, if the monthly payment to the beneficiary is less than \$5 a month, or if the beneficiary is or is about to become a non-resident of the United States, or if the commission determines that it is for the best interests of the beneficiary, the liability of the United States for compensation to such beneficiary may be discharged by the payment of a lump sum equal to the present value of all future payments of compensation computed at four per centum true discount compounded annually. The probability of the beneficiary's death before the expiration of the period during which he is entitled to compensation shall be determined according to the American Experience Table of Mortality; but in case of compensation to the widow or widower of the deceased employee, such lump sum shall not exceed sixty months' compensation. The probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded.

SEC. 15. That every employee injured in the performance of his duty, or some one on his behalf, shall, within forty-eight hours after the injury, give written notice thereof to the immediate superior of the employee. Such notice shall be given by delivering it personally or by depositing it properly stamped and addressed in the mail.

SEC. 16. That the notice shall state the name and address of the employee, the year, month, day, and hour when and the particular locality where the injury occurred, and the cause and nature of the injury, and shall be signed by and contain the address of the person giving the notice.

SEC. 17. That unless notice is given within the time specified or unless the immediate superior has actual knowledge of the injury, no compensation shall be allowed, but for any reasonable cause shown, the commission may allow compensation if the notice is filed within one year after the injury.

SEC. 18. That no compensation under this Act shall be allowed to any person, except as provided in section thirty-eight, unless he or some one on his behalf shall, within the time specified in section twenty, make a written claim therefor. Such claim shall be made by delivering it at the office of the commission or to any commissioner or to any person whom the commission may by regulation designate, or by depositing it in the mail properly stamped and addressed to

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the commission or to any person whom the commission may by regulation designate.

SEC. 19. That every claim shall be made on forms to be furnished by the commission and shall contain all the information required by the commission. Each claim shall be sworn to by the person entitled to compensation or by the person acting on his behalf, and, except in case of death, shall be accompanied by a certificate of the employee's physician stating the nature of the injury and the nature and probable extent of the disability. For any reasonable cause shown the commission may waive the provisions of this section.

SEC. 20. That all original claims for compensation for disability shall be made within sixty days after the injury. All original claims for compensation for death shall be made within one year after the death. For any reasonable cause shown the commission may allow original claims for compensation for disability to be made at any time within one year. *If the disability was the result of an injury sustained during the period of the Great War, and arising out of conditions due to the war, the commission may, for any reasonable cause shown, allow original claims of civilian employees of the Expeditionary Forces of the United States serving outside of the territory of the United States to be made at any time within one year after the passage of this act.* (Italicized as amended).

SEC. 21. That after the injury the employee shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a medical officer of the United States or by a duly qualified physician designated or approved by the commission. The employee may have a duly qualified physician designated and paid by him present to participate in such examination. For all examinations after the first the employee shall, in the discretion of the commission, be paid his reasonable traveling and other expenses and loss of wages incurred in order to submit to such examination. If the employee refuses to submit himself for or in any way obstructs any examination, his right to claim compensation under this Act shall be suspended until such refusal or obstruction ceases. No compensation shall be payable while such refusal or obstruction continues, and the period of such refusal or obstruction shall be deducted from the period for which compensation is payable to him.

SEC. 22. That in case of any disagreement between the physician making an examination on the part of the United States and the employee's physician the commission shall appoint a third physician, duly qualified, who shall make an examination.

SEC. 23. That fees for examinations made on the part of the United States under sections twenty-one and twenty-two by physicians who are not already in the service of the United States shall be fixed by the commission. Such fees, and any sum payable to the employee under section twenty-one, shall be paid out of the appropriation for the work of the commission.

SEC. 24. That immediately after an injury to an employee resulting in his death or in his probable disability, his immediate superior shall make a report to the commission containing such information as the commission may require, and shall thereafter make such supplementary reports as the commission may require.

SEC. 25. That any assignment of a claim for compensation under this Act shall be void and all compensation and claims therefor shall be exempt from all claims of creditors.

SEC. 26. If an injury or death for which compensation is payable under this Act is caused under circumstances creating a legal liability upon some person other than the United States to pay damages therefor, the commission may require the beneficiary to assign to the United States any right of action he may have to enforce such liability of such other person or any right which he may have to share in any money or other property received in satisfaction of such liability of such other person, or the commission may require said beneficiary to prosecute said action in his own name.

If the beneficiary shall refuse to make such assignment or to prosecute said action in his own name when required by the commission, he shall not be entitled to any compensation under this Act.

The cause of action when assigned to the United States may be prosecuted or compromised by the commission, and if the commission realizes upon such cause of action, it shall apply the money or other property so received in the following manner: After deducting the amount of any compensation already paid to the beneficiary and the expenses of such realization or collection, which sum shall be placed to the credit of the employees' compensation fund, the surplus, if any, shall be paid to the beneficiary and credited upon any future payments of compensation payable to him on account of the same injury.

SEC. 27. That if an injury or death for which compensation is payable under this Act is caused under circumstances creating a legal liability in some person other than the United States to pay damages therefor, and a beneficiary entitled to compensation from the United States for such injury or death receives, as a result of a suit brought by him or on his behalf, or as a result of a settlement made by him or on his behalf, any money or other property in satisfaction of the liability of such other person, such beneficiary shall, after deducting the costs of suit and a reasonable attorney's fee, apply the money or other property so received in the following manner:

(A) If his compensation has been paid in whole or in part, he shall refund to the United States the amount of compensation which has been paid by the United States and credit any surplus upon future payments of compensation payable to him on account of the same injury. Any amount so refunded to the United States shall be placed to the credit of the employees' compensation fund.

(B) If no compensation has been paid to him by the United States, he shall credit the money or other property so received upon any compensation payable to him by the United States on account of the same injury.

SEC. 28. That a commission is hereby created, to be known as the United States Employees' Compensation Commission, and to be composed of three commissioners appointed by the President, by and with the advice and consent of the Senate, one of whom shall be designated by the President as chairman. No commissioner shall hold any other office or position under the United States. No more than two of said commissioners shall be members of the same political party. One of said commissioners shall be appointed for a term

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of two years, one for a term of four years, and one for a term of six years, and at the expiration of each of said terms, the commissioner then appointed shall be appointed for a period of six years. Each commissioner shall receive a salary of \$4,000 a year. The principal office of said commission shall be in Washington, District of Columbia, but the said commission is authorized to perform its work at any place deemed necessary by said commission, subject to the restrictions and limitations of this Act.

SEC. 28a. Upon the organization of said commission and notification to the heads of all executive departments that the commission is ready to take up the work devolved upon it by this Act, all commissions and independent bureaus, by or in which payments for compensation are now provided, together with the adjustment and settlement of such claims, shall cease and determine, and such executive departments, commissions, and independent bureaus shall transfer all pending claims to said commission to be administered by it. The said commission may obtain, in all cases, in addition to the reports provided in section twenty-four, such information and such reports from employees of the departments as may be agreed upon by the commission and the heads of the respective departments. All clerks and employees now exclusively engaged in carrying on said work in the various executive departments, commissions, and independent bureaus, shall be transferred to, and become employees of, the commission at their present grades and salaries.

SEC. 29. That the commission, or any commissioner by authority of the commission, shall have power to issue subpoenas for and compel the attendance of witnesses within a radius of one hundred miles, to require the production of books, papers, documents, and other evidence, to administer oaths, and to examine witnesses, upon any matter within the jurisdiction of the commission.

SEC. 30. That the commission shall have such assistants, clerks, and other employees as may be from time to time provided by Congress. They shall be appointed from lists of eligibles to be supplied by the Civil Service Commission, and in accordance with the civil-service law.

SEC. 31. That the commission shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the work of the commission.

SEC. 32. That the commission is authorized to make necessary rules and regulations for the enforcement of this Act, and shall decide all questions arising under this Act.

SEC. 33. That the commission shall make to Congress at the beginning of each regular session a report of its work for the preceding fiscal year, including a detailed statement of appropriations and expenditures, a detailed statement showing receipts of and expenditures from the employees' compensation fund, and its recommendations for legislation.

SEC. 34. That for the fiscal year ending June thirtieth, nineteen hundred and seventeen, there is hereby authorized to be appropriated, from any money in the Treasury not otherwise appropriated, the sum of \$50,000 for the work of the commission, including salaries of the



commissioners and of such assistants, clerks, and other employees as the commission may deem necessary, and for traveling expenses, expenses of medical examinations under sections twenty-one and twenty-two, reasonable traveling and other expenses and loss of wages payable to employees under section twenty-one, rent and equipment of offices, purchase of books, stationery, and other supplies, printing and binding to be done at the Government Printing Office, and other necessary expenses.

SEC. 35. That there is hereby authorized to be appropriated, from any money in the Treasury not otherwise appropriated, the sum of \$500,000, to be set aside as a separate fund in the Treasury, to be known as the employees' compensation fund. To this fund there shall be added such sums as Congress may from time to time appropriate for the purpose. Such fund, including all additions that may be made to it, is hereby authorized to be permanently appropriated for the payment of the compensation provided by this Act, including the medical, surgical, and hospital services and supplies provided by section nine, and the transportation and burial expenses provided by sections nine and eleven. The commission shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the maintenance of the fund.

SEC. 36. The commission, upon consideration of the claim presented by the beneficiary, and the report furnished by the immediate superior and the completion of such investigation as it may deem necessary, shall determine and make a finding of facts thereon and make an award for or against payment of the compensation provided for in this Act. Compensation when awarded shall be paid from the employees' compensation fund.

SEC. 37. That if the original claim for compensation has been made within the time specified in section twenty, the commission may, at any time, on its own motion or on application, review the award, and, in accordance with the facts found on such review, may end, diminish, or increase the compensation previously awarded, or, if compensation has been refused or discontinued, award compensation.

SEC. 38. That if any compensation is paid under a mistake of law or of fact, the commission shall immediately cancel any award under which such compensation has been paid and shall recover, as far as practicable, any amount which has been so paid. Any amount so recovered shall be placed to the credit of the employees' compensation fund.

SEC. 39. That whoever makes, in any affidavit required under section four or in any claim for compensation, any statement, knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than \$2,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

SEC. 40. That wherever used in this Act—

The singular includes the plural and the masculine includes the feminine.

The term "employee" includes all civil employees of the United States and of the Panama Railroad Company.

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The term "commission" shall be taken to refer to the United States Employees' Compensation Commission provided for in section twenty-eight.

The term "physician" includes surgeons.

The term "monthly pay" shall be taken to refer to the monthly pay at the time of the injury.

SEC. 41. That all Acts or parts of Acts inconsistent with this Act are hereby repealed: *Provided, however,* That for injuries occurring prior to the passage of this Act compensation shall be paid under the law in force at the time of the passage of this Act: *And provided further,* That if an injury or death for which compensation is payable under this Act is caused under circumstances creating a legal liability in the Panama Railroad Company to pay damages therefor under the laws of any State, Territory, or possession of the United States or of the District of Columbia or of any foreign country, no compensation shall be payable until the person entitled to compensation releases to the Panama Railroad Company any right of action which he may have to enforce such liability of the Panama Railroad Company, or until he assigns to the United States any right which he may have to share in any money or other property received in satisfaction of such liability of the Panama Railroad Company.

SEC. 42. That the President may, from time to time, transfer the administration of this Act so far as employees of the Panama Canal and of the Panama Railroad Company are concerned to the governor of the Panama Canal, and so far as employees of the Alaskan Engineering Commission are concerned to the chairman of that commission, in which cases the words "commission" and "its" wherever they appear in this Act shall, so far as necessary to give effect to such transfer, be read "governor of the Panama Canal" or "chairman of the Alaskan Engineering Commission," as the case may be, and "his"; and the expenses of medical examinations under sections twenty-one and twenty-two, and the reasonable traveling and other expenses and loss of wages payable to employees under section twenty-one, shall be paid out of appropriations for the Panama Canal or for the Alaskan Engineering Commission or out of funds of the Panama Railroad, as the case may be, instead of out of the appropriation for the work of the commission.

In the case of compensation to employees of the Panama Canal or of the Panama Railroad Company for temporary disability, either total or partial, the President may authorize the governor of the Panama Canal to waive, at his discretion, the making of the claim required by section eighteen. In the case of alien employees of the Panama Canal or of the Panama Railroad Company, or of any class or classes of them, the President may remove or modify the minimum limit established by section six on the monthly compensation for disability and the minimum limit established by clause (K) of section ten on the monthly pay on which death compensation is to be computed. The President may authorize the governor of the Panama Canal and the chairman of the Alaskan Engineering Commission to pay the compensation provided by this Act, including the medical, surgical, and hospital services and supplies provided by section nine

and the transportation and burial expenses provided by sections nine and eleven, out of the appropriations for the Panama Canal and for the Alaskan Engineering Commission, such appropriations to be reimbursed for such payments by the transfer of funds from the employees' compensation fund.

1919—Act of July 11, 1919 (41 Stat. L., 68, 104)—An Act Making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1920, and for other purposes.

\* \* \* \*

SEC. 11. That all of the provisions of the Act of Congress approved September 7, 1916, entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," are hereby extended to employees of the government of the District of Columbia so far as they may be applicable, except to those members of the police and fire departments of the District of Columbia who are pensioned or pensionable under the provisions of the District of Columbia Appropriation Act approved September 1, 1916. Such compensation as the commission provided for in said Act may award to employees of the government of the District of Columbia shall be paid in the manner provided by law for the payment of the general expenses of the Government of the District of Columbia. For carrying out the provisions of this section, there is appropriated \$5,000; and the Commissioners of the District of Columbia shall submit annually to Congress, through the Secretary of the Treasury, estimates of appropriations necessary for the foregoing purpose.

1921—Act of March 4, 1921 (41 Stat. L., 1367, 1378)—An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes.

\* \* \* \*

#### EMPLOYEES' COMPENSATION COMMISSION

Salaries: Three commissioners, at \$4,000 each; secretary, \$3,000; attorney, \$4,000; chief statistician, \$3,500; chief of accounts, \$2,500; assistant chief of accounts, \$1,600; accountant, \$2,250; claim examiners—chief, \$2,250, assistant \$2,000, assistant \$1,800, five assistants at \$1,600 each; special agents—two at \$1,800 each, two at \$1,600 each; clerks—seven of class three, twelve of class two, twenty-seven of class one, three at \$1,000 each; chief telephone operator, \$1,000; messenger, \$840; experts and temporary assistants in the District of Columbia and elsewhere to be paid at a rate not exceeding \$8 per day, and temporary clerks, stenographers, or typists in the District

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of Columbia, to be paid at a rate not exceeding \$100 per month, \$10,000; in all, \$124,940.

**Contingent Expenses:** For furniture and other equipment and repairs thereto; law books, books of references, periodicals, stationery, and supplies, traveling expenses; printing and binding to be done at the Government Printing Office; medical examinations, traveling and other expenses, and loss of wages payable to employees under sections 21 and 22 of the Act of September 7, 1916, and for miscellaneous items; in all, \$20,000.

**Employees' Compensation Fund:** For the payment of compensation provided by "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, including medical, surgical, and hospital services, and supplies provided by section 9, and the transportation and burial expenses provided by sections 9 and 11, \$1,800,000, to remain available until expended.

## APPENDIX 5

### FINANCIAL STATEMENTS

#### EXPLANATORY NOTE

Statements showing appropriations, receipts, expenditures, and other financial data for a series of years constitute the most effective single means of exhibiting the growth and development of a service. Due to the fact that Congress has adopted no uniform plan of appropriations for the several services and that the latter employ no uniform plan in respect to the recording and reporting of their receipts and expenditures, it is impossible to present data of this character according to any standard scheme of presentation. In the case of some services the administrative reports contain tables showing financial conditions and operations of the service in considerable detail; in others financial data are almost wholly lacking. Careful study has in all cases been made of such data as are available, and the effort has been made to present the results in such a form as will exhibit the financial operations of the service in the most effective way that circumstances permit.

The following statement gives the appropriations and expenditures of the Employees' Compensation Commission since the date of its organization in 1916. The expenditures for the years 1917 to 1919, inclusive, are figured on the accrual basis—that is, the tables show the total expenditures out of an appropriation, regardless of whether the actual disbursements were made during the current fiscal year or during the two succeeding years in which the money was available. The figures for 1920 and 1921 show disbursements during the current years only. As the funds are available for two ad-

## 70 EMPLOYEES' COMPENSATION COMMISSION

ditional years in which to take care of encumbrances, the figures for those years are not complete.

The table headed "Employees' Compensation Fund" gives the appropriations to this fund and the total disbursements on account of compensation for the year 1917 to 1922.

**EMPLOYEE'S COMPENSATION COMMISSION**  
**APPROPRIATIONS AND EXPENDITURES: FISCAL YEARS 1917 TO 1922, INCLUSIVE**

Fiscal years	Salaries		Increase of Compensation		Contingent Expenses		Total	
	Appropriation	Expenditure	Appropriation	Expenditure	Appropriation	Expenditure	Appropriation	Expenditure
1917	\$ 9,794.05		\$ 2,083.03	\$ 2,083.03	\$ 17,600.00		\$ 50,000.00	\$ 27,394.79
1918	55,819.75		4,400.17	4,400.17	21,563.98		87,000.00	79,406.76
1919	78,297.48		11,824.32	11,824.32	54,026.37		136,816.17	130,324.02
1920	91,290.00		15,545.99	15,545.99	39,200.00		142,314.32	140,224.52
1921	124,940.00				30,000.00		170,485.99	170,485.99
1922	124,900.00				20,000.00		146,900.00	162,315.94

<sup>a</sup> Not itemized in appropriation act.  
<sup>b</sup> Includes \$25,000 for expenses of commission in France and \$7,000 allotment from National Security and Defense Fund.  
<sup>c</sup> Disbursement.

## APPENDICES

### EMPLOYEE'S COMPENSATION FUND

Fiscal years	Appropriations			Compensation for		Expenditures	Other <sup>b</sup>	Total
	Direct appropriation	Balance from preceding year <sup>a</sup>	Total	Injury	Death			
1917	\$ 500,000.00	\$ 377,193.93	\$ 877,193.93	\$ 121,731.97	\$ 202.95	\$ 781.15	\$	\$ 122,866.07
1918	500,000.00	170,936.01	670,936.01	453,926.88	79,159.68	160,307.93	12,863.13	706,257.92
1919	* 1,250,000.00	1,420,936.01	2,670,936.01	906,595.09	221,558.19	222,581.10	44,384.07	1,399,757.13
1920	2,100,000.00	2,117,888	4,217,888	1,287,644.96	394,786.93	344,472.81	50,461.78	2,087,365.58
1921	2,500,000.00	33,813.30	2,533,813.30	1,331,247.58	544,907.08	370,227.01	56,965.02	2,303,346.69
1922	1,800,000.00							

<sup>a</sup> Appropriations available without year.  
<sup>b</sup> Transportation, embalming and burial expenses.  
<sup>c</sup> Includes \$50,000 allotted from National Security and Defense Fund.

# APPENDIX 6

## STATISTICS OF INJURIES AND AWARDS

	Sept. 7, 1916 to Dec. 31, 1918	Calendar year		
		1919	1920	1921 <sup>a</sup>
Injuries reported .....	40,194	25,813	20,080	18,390
Claims filed:				
Death .....	665	499	427	310
Disability .....	18,612	13,425	10,505	7,857
Total .....	19,277	13,924	10,932	8,167
Cases passed upon, result- ing in:				
Death .....	613	587	475	397
Permanent total disability.	18	30	33	<sup>b</sup>
Permanent partial disability.	885	607	535	571
Temporary total disability.	28,256	18,130	15,663	11,936
Total .....	29,772	19,354	16,706	
Fatal cases passed upon:				
Cases with dependents....	348	410	324	250
Number of dependents....	767	885	630	<sup>b</sup>
Total monthly compensa- tion .....	\$ 12,907.00	\$ 15,548.00	\$ 11,143.53	\$9,361.71
Total estimated valuation of awards .....	\$1,985,036.00	\$2,249,410.00	\$1,537,029.00	\$1,342,395
Total cost of fatal cases.	\$2,011,703.08	\$2,300,768.51	\$1,622,008.97	<sup>b</sup>
Cases without dependents.	265	117	151	60
Injury cases passed upon:				
Permanent total disability				
Compensated cases ....	18	30	32	<sup>b</sup>
Monthly Compensation...	\$ 1,074.28	\$ 1,811.76	\$ 1,908.66	<sup>b</sup>
Estimated valuation....	\$ 159,410.17	\$ 234,235.00	\$ 240,291.48	<sup>b</sup>
Non-compensated cases...	0	0	1	<sup>b</sup>
Permanent partial disabili- ty .....				
Compensated cases ....	798	528	471	498
Total award .....	\$ 88,018.98	\$ 134,818.65	\$ 304,835.79	\$ 565,846.87
Non-compensated cases...	87	79	64	73
Temporary total disability-				
Compensated cases ....	15,374	11,608	9,424	6,502
Total award .....	615,911.91	622,696.97	610,137.40	\$433,698.55
Non-compensated cases.	\$9,882	\$6,432	\$6,239	
Medical payments				
Cases with medical pay- ment .....	10,550	9,922	9,504	<sup>b</sup>
Total amount of payments	\$ 239,479.31	\$ 265,987.93	\$ 310,546.83	5,434 <sup>b</sup>

<sup>a</sup> Tentative

<sup>b</sup> Not yet avoidable.



## APPENDIX 7

### BIBLIOGRAPHY <sup>1</sup>

#### EXPLANATORY NOTE

The bibliographies appended to the several monographs aim to list only those works which deal directly with the services to which they relate, their history, activities, organization, methods of business, problems, etc. They are intended primarily to meet the needs of those persons who desire to make a further study of the services from an administrative standpoint. They thus do not include the titles of publications of the services themselves, except in so far as they treat of the services, their work and problems. Nor do they include books or articles dealing merely with technical features other than administrative of the work of the services. In a few cases explanatory notes have been appended where it was thought they would aid in making known the character or value of the publication to which they relate.

After the completion of the series the bibliographies may be assembled and separately published as a bibliography of the Administrative Branch of the National Government.

#### EMPLOYEES' COMPENSATION COMMISSION

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Rept. no. 569)

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- [Passage of Kern-McGillicuddy bill is urgently recommended]
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- [Points out weaknesses of the act of May 30, 1908, and superiority of the Kern-McGillicuddy bill. Table compares main provisions of existing law with those of the new bill and with the national laws of Switzerland, Germany and Great Britain]

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- U. S. *Interdepartmental conference on the revision of regulations for the administration of the act of May 30, 1908*

## 84 EMPLOYEES' COMPENSATION COMMISSION

(*Accident compensation act*) Washington . . . Proceedings, report and resolutions [Washington, 1910] 1 p. 1., 242, 12, 5 [2] (typewritten) leaves.

A conference of representatives of all executive departments called by the Secretary of commerce and labor to consider the problems of administration of the act and necessary amendments thereto.

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